

**CHARTER SCHOOL AND PUBLIC SCHOOL
PARTNERSHIPS**

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This study focuses on the creation of a charter school and public school partnership in Pennsylvania. Developing a partnership between a charter school and public district requires careful planning and specialized legal assistance. Successful partnerships can result in significant benefits to the charter school and public school district in the partnership.

This study documents in detail the creation and operation of the Beaver Area Academic Charter School, the development of the partnership with Beaver Area School District and the innovative instructional programs that have been created as a result of this partnership. Additionally the study documents the financial benefits and the opportunities to share and consolidate services.

The implications of this study for other educators in Pennsylvania can be divided into two themes: (1) Guidelines for those planning to create a charter school partnership with a public school district; and (2) benefits, possibilities and consequences of charter school and public school partnerships operating in Pennsylvania.

As the primary founder of the Beaver Area Academic Charter School and as the principal researcher in this study, this dissertation is a documentation of my own learning in this about charter school and school district partnerships. It is my hope that other educators in Pennsylvania can create such partnerships to enhance the academic achievement of students. this study provide guidelines to creating successful public school partnerships.

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CHAPTER 1

Introduction

Introduction

The Commonwealth of Pennsylvania has 501 independent public school systems. Beaver County Pennsylvania has fifteen of the public school districts whose futures are tied together because of shrinking student population. However, all fifteen school districts have the responsibility to provide their students with a sound education. How to serve all of the students effectively is a political issue that has gone unresolved for decades.

The 1914 Annual, a student publication, of Beaver High School contained an article reviewing the merits and detriments of having a union high school in the county. The students' vision of a union high was one that serves multiple "towns" instead of just one. The students cited the efficiency of having only one high school, the possibility of a more advanced high school facility with a more comprehensive course of study. However, the same students concluded that distance, the need for students to eat lunch at school and most important, the loss of identity by consolidating athletic teams outweighed the potential advantages.

The discussions in 1914 centered on a union high school for the towns of Monaca, Rochester, Bridgewater, Freedom and Beaver. Over the last 91 years, tuition agreements between school districts have taken place. Additionally, school districts have participated in many studies to consider consolidation and possibly merge school districts. None of these efforts has resulted in substantial change. Today (2006) the need to consolidate school districts is greater than ever. Soaring costs, higher expectations of public education and aging facilities all support consolidation. However, as in 1914, identity and athletics are enormous political hurdles to consolidation.

Today many parents explore numerous options available when choosing an education for their child. They have a wide variety of choices including public schools, private schools, home schooling, alternatives and charter schools. It is this writer's hope that public schools because of excellence in academics can be schools of choice by parents and students by utilizing the flexibility and competition in the charter school laws of Pennsylvania.

Background

The Beaver Area School District is a very successful school district in Beaver County, Pennsylvania. The Beaver Area School District has been noted for its high quality of academic achievement and its efficient financial management. The school district has engaged in innovative programs while maintaining a core foundation of educational programs that contribute to its consistent performance.

The quality of academic programs is demonstrated by consistently high student achievement on a variety of measures. The Pennsylvania State System of Accountability (PSSA) was established to measure student and school academic performance of students in the Commonwealth of Pennsylvania in reading, writing and math. It is currently used as the primary measurement of the federal *No Child Left Behind* legislation. Beaver Area has had the highest overall PSSA score in Beaver County for the past five years. (PDE, 2005) The high level of achievement was also validated in a 2005 comparison study by the *Pittsburgh Business Times*. (Lott, 2005) The study, based on 3 years of state achievement test data, compared 106 school districts in a six county region around Pittsburgh, Pennsylvania. (Lott, 2005) This study ranked Beaver Area eleventh. (Lott, 2005)

Standard and Poor's School Evaluation Service was created to provide a common way to compare the performance of America's public schools. Standard & Poor's rates all Pennsylvania school districts by comparing student achievement and spending per student. Standard and Poor's most recent study utilized data from 2002. That study showed that only one other school district in Pennsylvania scored higher on state achievement tests and spent less per child (Schoolmatters, 2005).

The student achievement of the Beaver Area School District is validated by more than just the state achievement tests. Another source corroborating data is the Advanced Placement test scores by Beaver Area students. The table below shows the high level of achievement on various advanced placement exams. A score of three or higher is generally considered passing.

Table 1.1:

(CollegeBoard 2005)

	2004-2005	2004-2005	2004-2005
	# of Students	Average Score	%3 or better
AP Biology	11	3.636	90.90%
AP Chemistry	12	3.917	91.66%
AP English Lang/Comp	13	3.308	84.61%
AP English Lit/Comp	12	2.75	66%
AP Calculus AB	32	4.125	93.75%
AP Psychology	59	3.241	77%
AP Spanish	1	3	100%

The Beaver Area School District has academically been a very successful school district. In addition to academics, a variety of support and enrichment programs has contributed to the overall success. There is a community commitment to the arts resulting in outstanding visual and performing arts programs.

For even a successful school district to survive, however, it must have students. The fifteen school districts in Beaver County, Pennsylvania have experienced dramatic decreases in enrollment over the past three decades due to the demise of the steel industry (BVIU, 2005). The decrease in enrollment is projected to continue well into the future (PDE, 2004). Without stabilizing enrollments school districts like Beaver Area will have to curtail programs and services or find alternative revenues.

In 1971, the fifteen school districts in Beaver County served 48,536 students (BVIU, 2005). Today, those same fifteen school districts serve 29,540 students. This is a 40.2% decrease in 35 years (BVIU, 2005). In 1971, Beaver Area School District enrollment was 3,609 students (BVIU, 2005). Today, the enrollment is 2,039 students (BVIU, 2005). This is 43.6% decrease in 35 years (BVIU, 2005).

The Pennsylvania Department of Education provides statistical enrollment projections for school districts. These projections show that by 2013 the fifteen school districts in Beaver County will lose an additional 5,546 students (PDE, 2004). This would

be an 18.7% decrease in eight years (PDE, 2004). Beaver Area School District's enrollment is projected to decrease by 123 students (PDE, 2004). This would be a 5.9% decrease.

This 5.9% decrease may seem modest. However, a more detailed review of the projections shows that Beaver Area will experience the majority of this enrollment decrease at the high school. Beaver Area High School's enrollment is projected to decrease by 125 students (PDE, 2004). This would be a 17.5% decrease by 2013. If the number of faculty employed declines proportionately to the decrease in enrollment, considerable changes would have to be made to the programs and services available at the high school.

The enrollment trend for Beaver County and the Beaver Area School District suggests that without interventions school districts will continue to lose students. For a variety reasons, the loss of students is detrimental to schools. Limited student enrollments will result in diminished programs and services that can be provided to the students who remain. Additionally, a loss of students will cause a decrease in staffing. This loss of programs and faculty would negatively impact the learning opportunities for the students.

The financial resources of the Beaver Area School District are another element of concern. School District projections are that it will not be feasible to support the programs and services currently offered. Decreased revenues and increased costs are the primary contributing elements to the projected lack of financial resources of the school district. The school district must intervene to maintain its current programs and services.

Decreased revenues plague all school districts in Pennsylvania. The sources of revenue for the Beaver Area School District are comprised of state & federal subsidies, grants and local taxes. Increases to state and federal subsidies have consistently been below the increased cost to operate the school district. The state is far below its own self-target of funding 50% of the basic education cost per student. In 2005 the Commonwealth provided Beaver Area School District 38% of the basic education cost. State grant revenues are projected to decrease by \$157,000 over the next four years. This means that increased revenue to cover current costs will need to be generated by local taxes if the state does not increase at the level of increased expenses.

Increased costs continue to be problematic for the Beaver Area School District. The increased costs include salaries, benefits, and energy cost. Salaries are projected to increase from 3.5% to 5.2% per year dependent upon employee classification. Medical benefits

increased by 16.5% in 2005 and are projected to increase by 10% for each of the next three years. In 2006–2007 alone, energy costs to provide transportation and operate school district facilities are estimated to increase by \$180,000 (V. Raskovsky, Personal Communication, January, 2006).

The decreased revenues and the increased costs projections show that by 2008-2009 it will cost \$1,906,778 more to operate the Beaver Area School District with all of its current programs. If the Beaver Area School Board decides to address this operational expense increase by increasing local taxes, it will require a millage increase of 9.7 mills over four years.

The lack of revenues to support increased costs is a major concern. In 2005, the Beaver Area School Board directed the school administration to consider other funding opportunities to support the school district. The administration began to research other revenue streams focusing on grant revenues.

Thus, the genesis of the Beaver Area Academic Charter School was the response to a variety of historical trends and future projections that will, without intervention, negatively impact the Beaver Area School District. These trends served as the foundational need for the Beaver Area Academic Charter School by the Beaver Area School District. The Beaver Area School District needed to address decreasing enrollments, projected budget deficits, the possibility of decreasing programs and services; and to improve existing programs.

The challenge was to find a way to maintain the high quality programs and services that Beaver Area School District was providing while addressing the realities of both decreasing enrollments and limited financial resources. The first step was to review a tuition agreement with the Midland Borough School District that began 20 years ago, but was terminated in 1996. The Borough of Midland is on the Ohio River ten miles from Beaver, Pennsylvania. The possibility of entering into a new tuition agreement was discussed and researched for months. Many strong feelings and opinions remained from the earlier tuition agreement with the Midland Borough School District.

At the June 1983 regular meeting of the Midland Borough School District Board, member Dan Zuppe made a motion to close Lincoln High School (Trombetta, 2000). This was Midland Borough's only high school. The motion was based on the closing of the Crucible Steel Plant, which caused declining student enrollments, and the inability of the

school district to continue to support financially the operation of the high school (Trombetta, 2000). This action would begin a series of negotiations with several school districts to find a high school to educate the students from Midland Borough.

Midland Borough School District sent letters to all other school districts in Beaver County seeking a place to educate its secondary students. Midland Borough School District initially began talks with the contiguous Western Beaver County School District (Trombetta, 2000). While these talks were going on, the superintendent of Beaver Area, John Haddad, on behalf of the Beaver Area School Board, made an offer to educate the Midland Borough students that included a tuition discount as well as the hiring of some of Midland's faculty and staff (Trombetta, 2000). This offer was not matched by Western Beaver County School District (Trombetta, 2000). As a result of this offer, the Midland Borough School District entered into a five-year agreement with the Beaver Area School District in February of 1985 (Trombetta, 2000).

In the fall of 1986, the Midland Borough secondary students began to attend Beaver Area High School. The agreement was financially and structurally beneficial for both sides. However, the mass integration of 186 students into an existing high school culture was troublesome. During the first year many roles, such as positions on teams, valedictorian, and social roles in the school, that were occupied previously by Beaver Area students, suddenly were taken by Midland students (Trombetta, 2000). The tuition agreement also increased the diversity of the student body at Beaver Area High School. After the initial integration of students, cultural interfacing issues went unaddressed. Additionally, Beaver community members, including the police chief accused the superintendent, John Haddad, of treating the Midland students more favorably than the Beaver students (Trombetta, 2000).

The frustrations of the community in Beaver Area continued to build. They were fueled by rumors and erred reporting. These rumors included weapons, drugs, the rape of a student and widespread fighting (Trombetta, 2000). In March of 1990, the Beaver Area School Board decided not to renew the tuition agreement with the Midland Borough School District, which would expire in 1994. In August 1990, the Beaver Board agreed to a phase-out, which in effect extended the agreement for two years (Trombetta, 2000). The final Midland Borough School District students graduated from Beaver Area High School in 1996. The financial impact of discontinuing this tuition agreement for the Beaver Area

School District was significant; however, the exact cost is hard to determine because the Beaver Area School District was engaged in a high school renovation at the same time. According to Dr. Nick Trombetta's dissertation the tax increase was 40% over seven years (Trombetta, 2000). Unfortunately, his statement does not take into account floating bonds for construction costs. Therefore, the impact was not 40% but was surely a considerable amount.

In the summer of 2004, a renewed interest between the administration and school boards of Beaver Area and Midland Borough began a new dialogue about a possible tuition agreement or merger. A merger was quickly ruled out and the focus became a tuition agreement. The administrations of both districts met numerous times and the two school boards had a joint executive committee meeting. After careful review, it was determined that a new tuition agreement was not in the best interest of either school district. Beaver Area School District wanted a short-term agreement, with clear control of the agreement and considerable cost sharing. The Midland Borough School District wanted a long-term agreement, with mutual control and a discounted tuition rate. Even though the tuition agreement failed, both parties were willing to look at other options to place Midland Borough students at Beaver Area High School.

Placing students from Midland Borough at Beaver Area School District would help both the financial issues for the school district and help increase enrollments to justify specialized academic programs. The other consideration for starting a charter school was the academic freedom that is provided in the charter school law. It was the hope of the administration that we could improve our alternative education program by reinventing it in the charter school.

The Beaver Area School District alternative education program was a self-contained classroom that students would be assigned to varying periods of time. The student's regular classroom teachers would send work and another teacher was assigned to monitor the student completing the work. Very little instruction occurred. The program was reminiscent of an in-school suspension room. Unfortunately some students would spend an entire academic year in this setting. The benefit of the program was that the rest of the school operated very orderly because disruptive students could quickly be removed for long periods

of time. The lack of academic success for this program was a problem for the Beaver Area School District and was not in the best interest of the students.

The other academic opportunity was the possibility of generating enough student enrollments for a program such as the International Baccalaureate program or a technology-engineering program. Both of these programs could not be supported by the enrollment of Beaver Area School District. In addition to enrollment and funding, the charter school law would allow us to consider the possibility of hiring non-certified personnel who may have experience in industry.

The Beaver Area School District Board of Directors still needed to seek ways to increase enrollment and resources for the school district. The administration and the school board agreed to explore the charter school concept and determine if it would benefit the Beaver Area School District.

This body of work documents the establishment of a charter school in Beaver Area School District and the process of creating and operating a charter school in partnership with a public school district in Pennsylvania.

Problem Statement:

What is the process of developing a charter school in partnership with a public school district in Pennsylvania?

Research Questions:

What was the impetus for the creation and growth of charter schools at the national level?

What was the impetus for the creation and growth of charter schools in Pennsylvania?

How are charter schools established in Pennsylvania?

How are charter schools governed and operated in Pennsylvania?

How are charter schools evaluated in Pennsylvania?

How might charter schools work in partnership with a public school district?

What are the benefits and disadvantages for a public school district school to work in partnership with a charter school?

Definition of Terms

Charter School – A charter school is an independent public school. A charter issued by the local school board grants the authority for the school to exist and operate (Act 22, 1997).

Founding Coalition – The group of individuals who research, apply for and are granted a charter for a new charter school. Often this group becomes the Board of Trustees upon having a charter approved.

Board of Trustees – A decision making body comprised of individuals who are responsible for oversight of a charter school. Members of the board of trustees are considered public officials in Pennsylvania (Act 22, 1997).

Chief Academic Officer – The executive officer who operates a charter school. The public school equivalent would be a superintendent. This individual reports to the Board of Trustees.

Public School Code – The Public School Code of 1949 serves as the legal foundation for the operation of public schools in Pennsylvania. Pennsylvania's charter school laws, Act 22 and Act 88, amend this code (School Code, 1949).

School Choice – School choice enables parents to choose where their school age children go to school. School choice proponents have utilized many vehicles to create school choice. One of the newest forms of school choice is the charter school (Lane, 2001).

School Board – A decision making body comprised of public officials who are elected to oversee the operation of a local school district in Pennsylvania (School Code, 1949).

CHAPTER 2

Review of the Literature

National Origins and Growth of Charter Schools

The charter school movement had its origins as an extension of an ongoing school reform movement that began in the 1970's. According to the United States Charter Schools Organization the "ideas that precipitated the charter school concept included reform ideas such as magnet schools, privatization, site based management and community-parental empowerment" (United States Charter Schools Organization, 2005). The concepts cited by the United States Charter Schools Organization have had an impact on education at the national and state levels. Each idea promoted specific concepts that were intended to improve education. For example, the magnet schools were intended to provide a focused curriculum and parental choice. Privatization was intended to deliver efficiencies that many believe public schools cannot achieve. The site-based management concept shifted the authority of decision making to school councils comprised of stakeholders at the school level (Live & Learn, 1997). The school council would have authority over all school issues including personnel and budgets (Live & Learn, 1997). Community-parental empowerment has been a common but elusive theme in education. The concept of a charter school integrates parental choice with site-based management that some believe will reform education. These ideas have been integrated into charter school laws in most states.

The foundation of the charter school movement is based on the reform efforts of the past 30 years (Hadderman and ERIC Clearinghouse on Educational Management, 1998). Some have viewed the charter school movement as an opportunity to reinvent public education (Live & Learn, 1997). The movement is fueled by the frustration of failed initiatives and mandates that are often seen as part of the problem not the solution (Foundation, 1997).

The term "Charter" is attributed to Ray Budde who first used the term in the 1970's (Charter School Overview, 2005). Later, Ray Budde formalized his vision of the charter in

his book, *Education By Charter: Restructuring School Districts*. The term charter school is defined by states including Pennsylvania as an independent public school (Act 22, 1997). The charter school movement began as an idea with Ray Budde. Ray Budde envisioned “a contract or charter being granted to a group of teachers by a local school board to operate a school ” (Charter School Overview, 2005). The charter school concept was endorsed by other educational leaders, such as Albert Shanker (About Albert Shanker, 2005). Al Shanker was the President of the American Federation of Teachers. He was known as a labor advocate who believed in innovative ideas that might improve education (About Albert Shanker, 2005).

In 1991, the charter school became reality when Minnesota passed the first charter school law in the United States. This was a progression in school reform in Minnesota. In 1985, Minnesota had passed its first public school choice legislation (Boyd, 2002). The number of states passing legislation to authorize charter schools has grown very quickly. Currently (2006), 41 states and the District of Columbia have passed legislation to create charter schools.

In addition to the support from state lawmakers, charter schools have had the support of the federal government including Former President Clinton and President George W. Bush. Both President Clinton and Bush commented on charter schools during their State of the Union Addresses. In 1997, President Clinton expressed his desire for 3,000 charter schools by 2002, and President Bush promised \$200 million to support charter schools (Clinton, 1997) (Bush, 2002).

Support of reform and rhetoric did not necessarily guarantee change. However in 2002 the essential question, “Are charter schools being created? was asked by Bulkey and Fisler (Bulkley and Wohlstetter 2004). The *Center for Education Reform* estimates that there are currently 3,300 charter schools in the United States that educate approximately 800,000 students and employ 36,019 teachers (Bracey, 2000). The growth of charter schools has been very quick since their inception in 1991. The growth of charter schools is dependent upon legislation authorizing charter schools within a state and how supportive that legislation is to an applicant.

As previously mentioned, the term charter school is defined by most states as an independent public school. The independence is from the local school district. One reason

charter schools are often founded is autonomy (RPP International. and United States. Office of Educational Research and Improvement. 1999). The amount of independence varies greatly by state. Charter schools are independent public schools, which have a locally driven educational mission (Grigano, 2004). Independence is a key element in the charter school movement. This focus continues to be the focus of charter school supporters as a way to enhance charter schools and provide innovation to public schools. To support innovation, charter school laws provide autonomy and flexibility from school districts and state laws (Wohlstetter, Griffin et al. 1997). Although the charter school is independent of the local school district's management, it is accountable to the local school district for brick and mortar schools; or to the state for cyber schools. A charter school must meet achievement and learning goals to keep its charter (Act 22, 1997). Charter schools can also be described as free from red tape but accountable for their students (Palmer and Gau 2003).

The Center for Education Reform has analyzed and reported on the amount of independence, support and other factors that each state's law provides for charter schools. Ten specific criteria were identified as the items necessary for a strong charter school law (Bracey, 2000). These criteria were utilized to analyze the charter school laws in the United States: number of schools, states that permit an unlimited number, multiple chartering authorities / binding appeals process, variety of applicants, number of new starts, formal evidence of local support not required, automatic waiver from laws and regulations, legal / operational autonomy, guaranteed full funding, fiscal autonomy and exemption from collective bargaining agreements (Bracey, 2000). Table 2 shows ranking of the strength of charter school laws in the United States according to The Center for Education Reform. For this case study, it is important to note that Pennsylvania's Charter School Law was ranked 13th out of 41 laws and received a letter grade of "B" (Bracey 2000). However, locally the review of Pennsylvania's Charter School Law is much more negative. In the winter of 2004 Duquesne University's Charter School Project's Publication *Charter Acts* stated the following about Pennsylvania's charter law.

"From the beginning, Pennsylvania's charter law never got high marks. In most national studies, Pennsylvania barely gets a passing grade. One recent study said this about Act22: "based upon scores for 56 criteria Pennsylvania earned a D for its policy

environment and a D+ for authorizer practices, resulting in an overall grade of D+” (Grigano 2004).

In June 2003, The Thomas Fordham Foundation published a report on charter school authorizers. The Fordham Foundation report is unique because it focuses on the entities that authorize charter schools (Palmer and Gau, 2003). One purpose of a charter school is to provide a school that is accountable for student achievement (Palmer and Gau, 2003). The Fordham report shows that the supervision of charter schools largely focuses on compliance rather than achievement and attainment of goals (Palmer and Gau, 2003). Palmer and Gau used the following criteria as one set of the overall criteria to evaluate entities authorizing a charter.

“Performance Contracts

- School-specific mission and goals to be met are sufficiently covered.
- Student recruitment and equal-access enrollment policies are sufficiently covered.
- Provisions for several special-needs students are sufficiently covered.
- Resources and level of school autonomy are sufficiently covered.
- Student’s achievement and data requirements are sufficiently covered.
- Clear consequences for not meeting prescribed outcomes are sufficiently covered.
- Overall quality of performance contracts is suitable for holding schools accountable” (Palmer and Gau, 2003, p.11).

The majority of states is described as doing an adequate job (Palmer and Gau, 2003). Pennsylvania has earned a grade of “D” for “Policy Environment” and a “D+” for “Authorizer Practices” (Palmer and Gau, 2003). The charter school is seen as a component of comprehensive education reform and a catalyst for change (Lane and Educational Resources Information Center (U.S.) 1998). Charter schools have often developed sound internal accountability (Katrina Bulkley, 2002). However, the accountability to the authorizing entity is not always a focus (Katrina Bulkley, 2002). Charter Schools must be accountable and held accountable to meet or exceed agreed upon goals. Failure for

accountability will erode support for the charter school movement. In 2002-2003, twelve states reported that less than fifty percent of their charter schools have met their academic goals (GAO, 2005). The charter school movement still has momentum and is growing. In 2003, however, 93 charter schools closed voluntarily or had their charter revoked (GAO, 2005). These closures demonstrate that charter schools are a high-risk public venture.

The consumer market drives the growth of charter schools (Hadderman and ERIC Clearinghouse on Educational Management, 1998). By 2002, the number of charter schools operating in the United States had exceeded 2,300 (Bulkley and Wohlstetter, 2004). The student demographics of charter schools are similar to other public schools (Bulkley and Wohlstetter, 2004). The median and average enrollment of charter schools is often much lower than traditional public schools. In 2001, the (median) enrollment of charter schools in the United States was 150 students (Lane, 2001). Traditional public schools had a (median) enrollment of 500 students (Lane, 2001). Currently, there are 800,000 students enrolled in charter schools in the United States (Bracey, 2000).

The Creation and Growth of Charter Schools in Pennsylvania.

The legislative history of Pennsylvania's Charter School Law can be traced to Representative Robert W. O'Donnell (2005). In 1993, Representative O'Donnell introduced House Bill 689, which would allow for the establishment of charter schools in Pennsylvania (2005). The initial attempts at passing the charter school law failed. The passage of the charter school laws was not an easy process for charter school advocates. In 1997, one newspaper author described an attempt to pass the charter school law as having "crashed and burned" (Shelly, 1997). However, the state legislature did pass a charter school law. In 1997, Governor Tom Ridge signed Senate Bill 123, which established Act 22 of 1997. That Act is now known as Pennsylvania's Charter School Law (2005).

During the first year, the 1997-1998 school year six-charter schools operated in Pennsylvania (Miron and Christopher, 2002). This number has grown steadily each year. During the 2006-2007 school year 117 charter schools have been authorized to operate in Pennsylvania. (PDE, 2006) The student enrollment in Pennsylvania for the 2005-2006

school year is 50,000 students. The two tables below show the consistent growth of the number of operating charter schools in Pennsylvania and the increasing student enrollment in charter schools in Pennsylvania. Both tables are based on data from the Pennsylvania Department of Education.

Figure 2.1
(PDE, 2005)

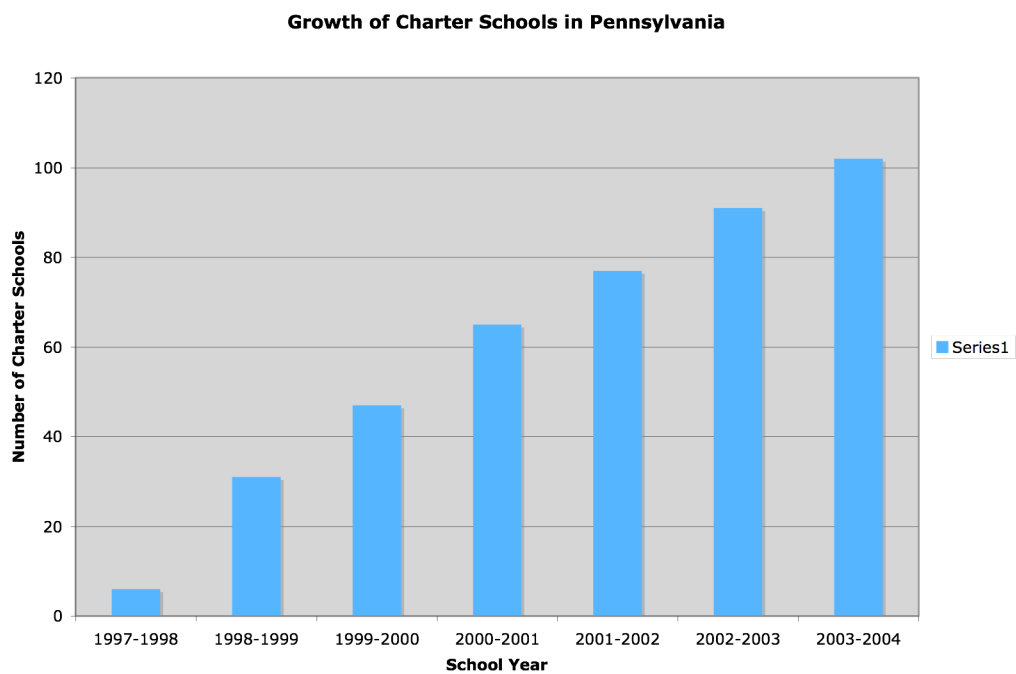
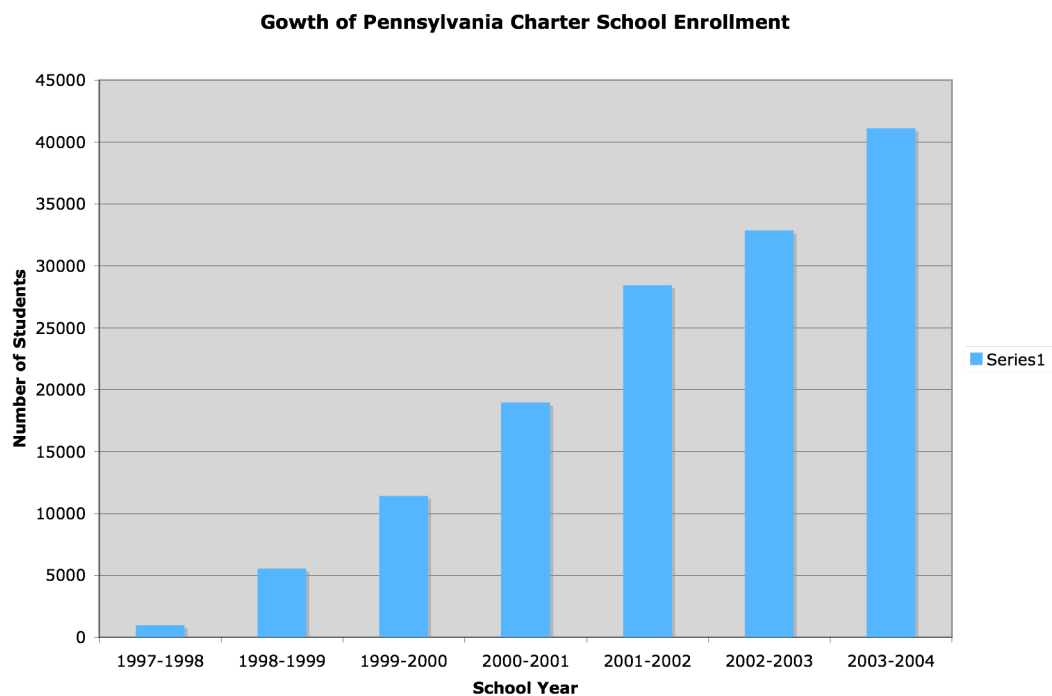


Figure 2.2
(PDE, 2005)



The growth of charter schools has been supported by technical assistance from the Pennsylvania Department of Education and by grassroots support. Pennsylvania's charter schools have founded the Pennsylvania Coalition of Charter Schools (PDE, 2005). In addition The Charter School Resource Center, Duquesne University and Drexel University have operated centers to provide technical assistance to applicants (PDE, 2005). Pennsylvania's legislature and governor remain committed to charter schools.

Pennsylvania's Charter School Laws

Act 22 of 1997 is Pennsylvania's Charter School Law. In 2002, the school code was amended again by Act 88. Both Act 22 and Act 88 are considered revisions to portions of Pennsylvania's Public School Code of 1949.

The passage of Act 22 reflected the desire for choice, pupil learning and accountability by the legislature (Miron and Christopher, 2002). The passage of Act 22 was a compromise in a series of failed school voucher agreements (Zemel, 1998). The intent of the legislature was clearly defined in Act 22.

The intent reads:

“(1) IMPROVE PUPIL LEARNING.

(2) INCREASE LEARNING OPPORTUNITIES FOR ALL PUPILS.

(3) ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE TEACHING METHODS.

(4) CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS, INCLUDING THE OPPORTUNITY TO BE RESPONSIBLE FOR THE LEARNING PROGRAM AT THE SCHOOL SITE.

(5) PROVIDE PARENTS AND PUPILS WITH EXPANDED CHOICES IN THE TYPES OF EDUCATIONAL OPPORTUNITIES THAT ARE AVAILABLE WITHIN THE PUBLIC SCHOOL SYSTEM.

(6) HOLD THE SCHOOLS ESTABLISHED UNDER THIS ACT ACCOUNTABLE FOR MEETING MEASURABLE ACADEMIC STANDARDS AND PROVIDE THE SCHOOL WITH A METHOD TO ESTABLISH ACCOUNTABILITY SYSTEMS” (Act 22, 1997).

To operationalize these intents, Act 22 provides procedures for the establishment of charter schools, the operation of charter schools, and the evaluation and accountability for charter schools.

Establishment of Charter Schools

Charter schools in Pennsylvania can be created by establishing a new school or by converting an existing school (Act 22, 1997). The charter can be granted by a single school district or by multiple school districts if the charter school is intended to be a regional school (Act 22, 1997). Pennsylvania places no restrictions or guidelines on the number of charter schools permitted (Miron and Christopher, 2002). The number of charter schools in Pennsylvania is determined by the success of the charter school founder in having a charter granted by a local school board or a state appeals board (Miron and Christopher, 2002).

The founding of a charter school begins with the filing of an application with a local school board or multiple school boards for a regional charter school (Act 22, 1997). The application must be filed by November 15th of the year prior to the proposed operation of the charter school (Act 22, 1997). The application must contain the following required elements:

- “The identification of the charter applicant.
- The name of the proposed charter school.
- The grade or age levels served by the school.
- The proposed governance structure of the school, including a description of and method for the appointment or election of the board of trustees.
- The mission and educational goals of the charter school; the curriculum to be offered; and the methods of assessing whether students are meeting educational goals. Students shall be required to meet the same testing and academic performance

standards established by law and regulations applicable to traditional public school students.

- The admission policy and criteria for evaluating student admission, which shall comply with the requirements of the charter school law.
- The procedures that will be used regarding the suspension and expulsion of pupils.
- Information on the manner in which the community will be involved in the charter school planning process.
- The financial plan for the charter school and the provisions that will be made for auditing the school under provisions of section 437 of the Public School Code.
- The procedures that will be established to review complaints of parents regarding the operation of the charter school.
- A description of and an address for the physical facility in which the charter school will be located.
- The proposed calendar for the charter school, including the length of the school day and school year.
- The proposed faculty and a professional development plan for the faculty of a charter school.
- Any agreements entered into or plans developed with local school districts regarding participation of charter school students in extracurricular activities within a school district. No school district of residence shall prohibit a student of a charter school from participating in any extracurricular activity of that school district.
- A report of criminal history record, pursuant to section 111 of the Public School Code, for all individuals seeking the charter who shall have direct contact with students.
- An official clearance statement regarding child injury or abuse from the Pennsylvania Department of Public Welfare as required by 23 Pa. C.S. Chapter 63, Subchapter C.2, relating to background checks for employment in schools, for all individuals who shall have direct contact with students.
- How the charter school, employees and the board of trustees of the charter school will be insured. (Act 22, 1997).

Pennsylvania's Charter School Law also allows a community to convert an existing public school to a charter school. To convert a public school to a charter school a petition must have the signatures of more than fifty percent of the teaching staff and fifty percent of the parents (Act 22, 1997). This literature review is focused on the creation of charter schools in partnership with the public school district. A successful conversion process removes the public school district from the management and supervision of that particular charter school. In effect the ownership and responsibility of the school become the charge of the charter school board of trustees. The local school board will only be able to review compliance by the charter school with its stated goals and state laws.

Timelines for local school boards to review and act on charter school applications are very clearly delineated in the law. Act 22 provides two clear guidelines for the initial review of a charter school. First a public hearing to review the charter application must be held within 45 days of the local school board's receipt of the application (Act 22, 1997). Second, a period of at least 45 days and no more than 75 days must transpire before the local school board can act on the charter application.

The decision to approve or deny a charter application by a local school board is to be guided by criteria specified in the law. The criteria specified in Act 22 are listed below (Act 22, 1997).

“(I) The demonstrated, sustainable support for the charter school plan by the teachers, parents, other community members and students, including comments received at the public hearing held under subsection (D).

(II) The capability of the Charter School applicant, in terms of support and planning to provide comprehensive learning experiences to students pursuant to the adopted charter.

(III) The extent to which the application considers the information requested in section 1719-A and conforms to the legislative intent outlined in section 1702-A.

(IV) The extent to which the charter school may serve as a model for other public schools” (Act 22, 1997).

Pennsylvania’s 501 school districts have the task of interpreting these four criteria. The local school district must also determine if more criteria are needed. Then the school district has the task of fairly and thoroughly evaluating charter school applications. If a school board believes that the application has met the criteria, the school board taking an affirmative majority vote can approve the charter (Act 22, 1997). If this transpires, the local school board and the charter school board of trustees sign a charter (PDE, 2005). A charter can be denied by a majority of the local school board voting against the application (Act 22, 1997).

If the local school board denies an application it must notify the applicant in writing (Act 22, 1997). The written notice must also contain a “description of deficiencies” that were the basis for the denial (Act 22, 1997). The charter school applicant has a number of options to consider if his/her application is denied.

A charter school application that was denied can be resubmitted to the same local school board with corrections and or revisions (Act 22, 1997). The applicant may also choose to file with the Charter School Appeals Board (Act 22, 1997). The Charter Schools Appeal Board has the specific task of reviewing the denied application and reaffirming the decision by the local school district or overruling that decision (Act 22, 1997).

To submit an application to the appeals board the applicant must petition the Court of Common Pleas (Act 22, 1997). The applicant must obtain signatures of at least 1000 individuals or 2 percent of the school districts population over the age of 18 if she/he wishes to appeal (Act 22, 1997). The Court of Common Pleas will determine if the applicant has received enough valid signatures (Act 22, 1997). If the court rules that the applicant has received enough signatures the state appeals board will hear the appeal.

The Appeals Board is comprised of 7 members (Act 22, 1997). The members of the Appeals Board must include the Secretary of Education, a “parent of a school aged child, a school board member, a certified teacher who is actively employed, a faculty member or administrative employee of an institution of higher learning, a member of the business community, and a member of the State Board of Education” (Act 22, 1997).

Much like the local school board the Appeals Board has specific guidelines to conduct its review process (Act 22, 1997). Two guidelines are specified regarding the timing of the review process. First the Appeals Board must review the application within 30 days of the acceptance of the appeal by the Court of Common Pleas. Second, the Appeals Board must issue a written decision within 60 days of reviewing the application (Act 22, 1997).

The written decision of the Appeals Board must specify why the Appeals Board agrees or disagrees with the local school board (Act 22, 1997). Additionally, the legislation requires the Appeals Board to give “due consideration” to the local school board’s decision (Act 22, 1997). The Appeals Board utilizes the same criteria as the local school board (Act 22, 1997).

Operation of Charter Schools

The operation of a charter school in Pennsylvania is guided by its application to the local school board and Act 22. The charter application specifies specific academic and non-academic goals, which the charter school must attain to continue to operate (Act 22, 1997). The charter school must submit annual reports to the local school board (Act 22, 1997). At the conclusion of the granted charter period, the local school board must review the operations and achievement of the charter school (Act 22, 1997). If the charter school has met its goals and complied with the law, the charter can be extended by five years (Act 22, 1997). If the charter school fails to attain its goals, it can be closed (Act 22, 1997).

The daily operation of a charter school is supervised by a Chief Executive Officer, who reports to the Charter School’s Board of Trustees (Act 22, 1997). It is interesting to note that in Pennsylvania there are no certification or degree requirements for a Chief Administrative Officer of an authorized charter school. The selection of members of the Board of Trustees is established in the charter school’s application (Act 22, 1997). Applications differ in the selection of members of the Board of Trustees (PDE, 2005). Some boards are elected by parents of students in the charter schools, while some are individuals in defined positions, and other boards are appointed (PDE, 2005). The process for the selection of board members is a component of the school design submitted as part of the application to create a charter school by the founding coalition.

The Board of Trustees has the authority to budget, adopt curriculum, develop operating procedures and hire and terminate professional and non-professional staff. The budget of a charter school is based on the enrollment in the school. Enrollment in the school is open to all students in Pennsylvania who meet the school enrollment guidelines. However, geography and transportation often limit the enrollment in a charter school. Charter schools are funded by the district of residence of the students who attend it (PDE, 2005). The amount of money paid by the district of residence is the same as if they were educating the child (PDE, 2005). This amount is determined by calculating the school district's total cost per pupil and subtracting special education costs and non-instructional costs (PDE, 2005). The budget of a charter school can be supplemented by grants and donations (PDE, 2005). A charter school cannot require additional payments to a charter school by the students and parents (Education, 2004).

The Board of Trustees has the authority to hire and terminate professional and non-professional staff (Act 22, 1997). The primary employees of all schools are teachers. Compared to traditional public schools, charter schools in Pennsylvania have more flexibility in hiring teachers. Charter schools in Pennsylvania are only required to have seventy-five percent of the faculty hold required teaching certificates (Act 22, 1997). This provision brought criticism from the Pennsylvania School Boards Association, Pennsylvania State Education Association and the American Federation of Teachers (PSBA, 2005). Although this was a major issue it was resolved by the creation of the federal No Child Left Behind legislation. The No Child Left Behind (2001) legislation requires all public school teachers, including those in charter schools to be "highly qualified." However, other interpretations of No Child Left Behind allow for continued flexibility for charter schools (GAO, 2005)

The charter school is responsible for all of the daily operations that would be found at a regular public school with the exception of transportation. In Pennsylvania, transportation remains the responsibility of the district of residence for each student. The charter school is responsible for acquiring and maintaining a faculty, development and implementation of a curriculum, the delivery of instruction, providing a school lunch program, providing health services, and providing special education services (Education,

2004). As an independent public school, the charter school must establish its own grade level requirements and graduation requirements (Education, 2004).

Pennsylvania provides Charter Schools with considerable support to be planned and implemented. Support from the Commonwealth comes in the form of financial support and technical assistance. The financial support is provided in two forms.

First, charter school founding coalitions are eligible to apply for a one-time \$75,000 planning grant (PDE, 2005). Second, charter schools that have been approved are eligible for an implementation grant of up to \$500,000 (PDE, 2005). The implementation grant is renewable one time. By the third year of operation, a charter school must be self-sufficient or have private donors.

A specialized staff in the Pennsylvania Department of Education provides technical assistance. This staff provides insights to prospective charter school founders; disseminates information; and helps guide new charter schools (PDE, 2005).

Evaluation and Accountability of Charter Schools

Charter schools in Pennsylvania are accountable to the local school board that granted the charter. Pennsylvania's charter school law clearly stipulates that a charter may be revoked by the local school board for a variety of reasons. The reasons a charter can be revoked include failing to attain academic goals, failing academically, audit, violations of the charter school law, and violations of other state or federal laws or fraud (Act 22, 1997).

Annually the charter school must submit a report to the Secretary of Education and the local school board (Act 22, 1997). The local school board has the obligation to assess annually if the charter school is meeting the goals of its charter (Act 22, 1997). A charter is granted for five years in Pennsylvania. At the end of the fifth year of operation, the local school board or the state, in the case of cyber charter schools, must conduct a comprehensive review (Act 22, 1997). The outcome of this review will determine if the charter school is granted another charter to operate beyond the initial five years. The charter school must present and document that it met its academic goals in the charter (Act 22, 1997). The documentation required to demonstrate that the charter is meeting its goals is part of the

charter application. Some examples of documentation for student-centered goals are standardized tests, student portfolios and work samples.

Perceived Threats to Traditional Public Education

The concept of charter school was a controversial compromise to the school choice initiative, which was proposed in the 1990's (Shelly, 1996). Every aspect of the charter school was vulnerable to political and legal challenges. One example of this occurred in April of 1999 when then Pennsylvania Governor Ridge nominated six people to serve on the first Charter Schools Appeal Board (Shelly and Reeves, 1999). His nomination of an appeals board was stipulated in the charter law passed in 1997 (Act 22, 1997). However, the creation of the Appeals Board drew a quick response from the Pennsylvania School Board's Association. The Pennsylvania School Board's Association indicated that they were working to eliminate the appeals board, which indicated that they saw the creation of the Appeals Board as a threat to local school boards. As the Appeals Board was being formed, appeals were being filed. When the appeals board was created, it had six cases that needed to be addressed (Shelly and Reeves, 1999).

Two issues quickly arose from the passage of Pennsylvania's Charter School Law. First, as demonstrated by the example previously described many school boards felt a challenge to local control. Second, would the financial impact of charter schools destroy traditional public education? (Lee, 1998). In 1998, the Philadelphia School District estimated that it would lose 2.4 million dollars during that school year to charter schools (Lee, 1998). The Philadelphia School District projected that number would jump to 6 million dollars within a year (Lee, 1998).

The Pittsburgh School District had similar financial implications. In 1998, the Pittsburgh Public Schools had eight charter school applications to consider (Lee, 1998). If all eight applications were approved, the annual cost to the school district would be 5.6 million dollars (Lee, 1998).

The growth and innovations of charter schools quickly stretched the financial and theoretical basis of the Charter School law. Brick and mortar charter schools created a host of complaints being filed with Eugene Hickock, Pennsylvania's Secretary of Education and

the Pennsylvania House Education Committee (Lee, 1998). These complaints were just the beginning. A new type of charter school called a cyber charter school would quickly exacerbate and compound the issues presented by traditional charter schools (PSBA, 2001).

A Cyber Charter school allowed students to receive an education from a charter school anywhere in the state. The basis of a cyber school is that instruction is delivered over the Internet (PSBA, 2001). The marriage with charter school law means that the district of residence of each student pays the cost (PSBA, 2001). The number of students enrolled in cyber charter schools has quickly and steadily grown (PSBA, 2001). In 2002, the Pennsylvania School Board's Association estimated the cost to Pennsylvania school districts was eighteen million dollars (Payne, 2002).

Frustrated by a lack of control and financial impacts, school boards considered their options. School boards considered denying applications to create charter schools on the basis of financial impacts (Lee, 1998). Other school districts withheld payments required in the charter school law to charter schools. For example in the 2000-2001 school year a school district refused to pay a \$174,189 bill it owed the Pennsylvania Global Academy Charter School (Payne, 2002). The entire amount was withheld by the Pennsylvania Department of Education from the school district's basic subsidy funding and was paid to the charter school (Payne, 2002). The tension grew and the state legislature began to have hearings on charter schools (Grigano, 2004).

In 2001 House Bill 4 was passed and later became known as Act 88. Act 88 was intended to adjust Pennsylvania's original charter school law Act 22. One of the changes included in Act 88 was the state, instead of local school districts, would now review applications for cyber charter schools. Additionally, Act 88 gave the authorization for the Pennsylvania Department of Education to withhold basic education subsidies from school districts that failed to pay tuition to charter schools. Another provision of Act 88 provided funding to ease the burden placed on local school districts caused by funding charter schools (2001). The financial remedy authorized in the revised law provided schools districts with 30% reimbursement for the cost of sending a student to a charter school (2001). The thirty percent specified in the law has decreased to an actual 24.5% in 2005 (Rendell, 2005).

As cited before, another concern about Pennsylvania's charter school law focused on teacher certification (PSBA, 2001). Charter schools are only required to have seventy-five

percent of their faculty hold teaching certificates (1997). This provision brought criticism from the Pennsylvania School Boards Association, Pennsylvania State Education Association and the American Federation of Teachers. Although this was a major issue, it was resolved by the creation of the federal No Child Left Behind legislation. The No Child Left Behind legislation requires all public school teachers, including those in charter schools to be highly qualified (2001).). In the Commonwealth of Pennsylvania this means in most cases a teacher must be certified.

Public School and Charter School Partnerships

This writer could only find two public school and charter school partnerships that existed in Pennsylvania prior to 2005. One was in Midland Borough and the other in Erie. In 1997, Pennsylvania Governor Tom Ridge offered the Midland Borough School District \$25,000 to explore the concept of a charter school to serve their students who were being educated in East Liverpool, Ohio (Trombetta, 2000). Midland Borough accepted the Governor's offer. Today, Midland Borough is home to the PA Cyber Charter School. The PA Cyber Charter School was initially the Western Pennsylvania Charter School. In 2006, the PA Cyber Charter School and its partners served over 4,500 students from across the state and nation. The benefit to Midland Borough School District is an enormous amount of resources that are available to improve the education of the school district's children. The success of the PA Cyber Charter School has provided the resources to create the Lincoln Park Performing Arts Charter School, and provided curriculum and technology expertise to the Midland Borough School District. This partnership is built on opportunities for students and in kind services. The Superintendent of Midland Borough School District also is the Chief Academic Officer of the PA Cyber Charter School.

In September of 2003, the Pennsylvania Global Academy Charter School opened in Millcreek School District in Erie, Pennsylvania. The stated purpose of this model was to have the charter school "serve as a brokerage of individualized learning programs to students and parents seeking a carefully designed educational plan that developed around

learning styles, multiple intelligences, and personal preferences and circumstances”
(Borland, 2002)

This model of partnership benefited the school district by generating revenue through selling or leasing excess capacity at its facilities to the charter school. Additionally, this partnership allowed the Charter School to offer specialized programs that Millcreek could not provide. The basic premise of this program is that students from outside the Millcreek School District would be able to enroll in the Pennsylvania Global Academy Charter School to participate in programs offered by the Millcreek School District (Borland, 2002).

The majority of the students attending the Pennsylvania Global Academy Charter School resided in school districts other than Millcreek. Prior to the creation of the Pennsylvania Global Academy Charter School, Millcreek School District had over 50 students who were paying tuition to take advantage of the academic programs that Millcreek Township School District offered (Borland, 2002). These 50 new students generated new revenue for Millcreek School District. Based on the success of attracting tuition students, the Pennsylvania Global Academy Charter School would capitalize on the attractiveness of Millcreek Township School District’s programs and increase non-resident enrollment. The Pennsylvania Global Academy Charter School anticipated 250 students in its first year of operation. The enrollment grew to over 450 by 2004 beating expectations by 150 students (Borland, 2002).

The Pennsylvania Global Academy Charter School had its own Chief Academic Officer. However, the board of trustees for the charter school consisted primarily of Millcreek Township School District administrative personnel. The charter school also adopted policies such as the student handbook that were Millcreek Township School District’s (Borland, 2002).

The financial impact for the Millcreek Township School District was substantial. Pennsylvania Global Academy Charter School’s projected revenue for the first year of operation was \$1,889,250. This included \$539,000 in direct payments to the Millcreek Township School District for curriculum, support and the lease of physical space. The remaining funds were used to hire additional faculty and for administrative costs (Borland, 2002). The projected revenue for the fifth year of operation is \$3,641,741, with the Millcreek Township School District projected to receive \$992,000 (Borland, 2002).

This charter school partnership model provides a benefit to students in the region and to the hosting school district. The students have a choice of schools. The school district receives financial support to continue desirable academic programs.

CHAPTER 3

Methodology

Purpose of the Study

The purpose of this study is to document, observe, and describe the creation and implementation of the Beaver Area Academic Charter Schools in partnership with the Beaver Area School District and compare this partnership to other charter school and public school district partnerships in Pennsylvania. Through a case study methodology the researcher will examine the benefits and disadvantages of a charter school being created as partner to a public school. This qualitative study does not attempt to examine the academic performance of the Beaver Area Academic Charter School or the impact on academic performance at Beaver Area School District. This study does describe the process of starting a charter school, the process of implementing a charter school, and the operational impact on the partner school district.

These research questions will be answered as part of this study.

- What was the impetus for the creation and growth of charter schools at the national level?
- What was the impetus for the creation and growth of charter schools in Pennsylvania?
- How are charter schools established in Pennsylvania?
- How are charter schools led and operated in Pennsylvania?
- How are charter schools evaluated in Pennsylvania?
- How might charter schools work in partnership with a public school district?
- What are the benefits and disadvantages for a public school district school to work in partnership with a charter school?

Methodology

A qualitative methodology will be used in this study. According to LeCompte (1993) “qualitative research is understood to denote inductive, generative, constructive and subjective process” (p.49). The researcher in a qualitative study attempts to build deep understanding and insight into the phenomenon being studied (Merriam, 1988). Qualitative research is holistic, multi-dimensional and ever changing (Merriam, 1988, p.167) The charter school is a dynamic organization i.e., it is ever changing.

A qualitative paradigm has benefits for this study. The creation of the Beaver Area Academic Charter School as a partner with the Beaver Area School District was part of an evolving history. The charter school and the school have a rich collection of documentation that will help convey the story of the creation of this partnership. Additionally, the researcher’s participation in the creation and implementation provides an insight into the daily activities and events that created the Beaver Area Charter School. A qualitative paradigm will also allow important information from other two charter school and public school partnerships to become part of the body of literature.

According to Merriam (1988), “a case study is an examination of a specific phenomenon such as a program, an event, a person, a process, an institution, or a social group” (p. 9). In this study, the specific institution is a charter school that is in partnership with a public school. The case study methodology has advantages for the purpose of this study. Utilizing a case study we will be able to discover context characteristics that will provide a deeper and richer understanding of the research topic (Merriam, 1988). A case

study is understood to be an interpretive body of research (Merriam, 1988). This is important when much of the data rest upon the fieldwork of the researcher.

The Researcher's Role

The researcher was an employee of the Beaver Area School District, a member of the founding coalition, and the Chief Executive Officer of Beaver Area Academic Charter School throughout the planning and implementation stages of the Beaver Area Academic Charter School. The researcher has experienced first hand all of the critical steps being studied. According to Merriam (1988), “ a descriptive case study in education is one that presents a detailed account of the phenomenon under study” (p.27). The researcher's experience will provide personal internal and external knowledge of founding the Beaver Area Academic Charter School and its partnership with the Beaver Area School District

The researcher will also serve in the role of information gatherer for other components of the study. The researcher will engage in interviews, observations and gather data from the data sources stated in this chapter. As LeCompte (1993) states, “The researcher will move back and forth between passive-to-active participation and passive-to-active observation” (p.160). This role will ensure a very detailed and thorough account of the matter being researched.

Context of the Study

The partnership between the Beaver Area School District and the Beaver Area Academic Charter School was initially conceived for the benefit of the Beaver Area School District. The benefit was that the charter school would provide a vehicle for students from the Midland Borough School District to attend Beaver Area High School, attract students

from other neighboring school districts in the hope of increasing enrollment, increase financial resources, and improve some existing academic programs. The mission statement in the charter application for Beaver Area Academic Charter School is that “The mission of the Beaver Area Academic Charter School is to provide students individualized academic opportunities based on their needs and abilities.” The Beaver Area Academic Charter School is a new local educational agency that was founded in May of 2005. The charter school during the 2005-2006 school year served 50 students in grades 9-12. The long-term goal of the Beaver Area Academic Charter School is to serve eventually students in grades kindergarten through twelve.

The Beaver Area Academic Charter School is one of a three current partnerships in Pennsylvania between a charter school and a public school district. Each of these partnerships is unique and serves students in different ways. These partnerships include both brick and mortar charter schools and cyber charter schools. Currently charter schools represent a small portion of public education in Pennsylvania. However, the number of charter schools and the number of students enrolled continue to grow.

Economies of scale is when larger operations can reduce costs by eliminating duplicated services by multiple smaller organizations or entities. Economies of scale is a concept that is often referred to by educators as a way of making public schools more efficient while providing the best possible educational opportunities to students. The idea of consolidation of schools, sharing administrative functions or merging school districts in Pennsylvania remains an elusive goal. Utilizing a charter school in partnership with public a schools district would allow an effective implementation “Economies of Scale”.

Participants

The participants in this study are the chief executive officer of the Beaver Academic Charter School, the Superintendent of the Beaver Area School District, members of the administrative staff from the Beaver Area School District and the founding coalition of the Beaver Area Academic Charter School. All of these individuals were involved in support or decision-making roles in creating and implementing the Beaver Area Charter School.

Additional participants include the Superintendent of Midland Borough School District who is also the Chief Executive Officer of the Pennsylvania Cyber Charter School and the chief executive officer of the Lincoln Park Performing Arts Charter School; the superintendent of the Millcreek Township School District; the chief executive officer of the Global Academy Charter School; the Superintendent of the Beaver Area School District; and the chief executive officer of the Beaver Area Academic Charter School. Each of these individuals is the executive officer of a local education agency that is in a partnership between a charter school and a public school. The single focus of this study is the creation of partnerships between charter schools and public schools in Pennsylvania. Engaging research about charter school and public school partnerships outside of the partnership in Beaver Area will assure comparability and translatability (LeCompte, 1993).

Data Sources

Documentation Review

- Beaver Area Academic Charter School Application(s)
- Beaver Area Academic Charter School Implementation Grant Application
- Pennsylvania Global Academy Charter School Application (November, 2002)
- Pennsylvania Cyber Charter School Application

Observation and Documentation

- Documented and participated in a dinner meeting between the Beaver Area School District administration and school board and the Midland Borough School District administration and school board. (November 3, 2004)
- Documented and participated in an executive session meeting with Beaver Area School Board. (November 15, 2004)
- Documented and participated in a meeting between the superintendents of the Beaver Area School District and Midland Borough School District. (December 1, 2004)
- Documented and participated in a faculty meeting at Beaver Area Middle/High School. (December 7, 2004)
- Documented and participated in a Public Hearing before the Beaver Area School Board. (December 13, 2004)
- Documented and participated in a visit to Millcreek Township School District and the Pennsylvania Global Academy Charter School. (December 16, 2004)

- Documented and participated in meeting between the Beaver Area School District administration and the President and Vice-President of the Community College of Beaver County. (January 4, 2005)
- Documented and participated in meetings with Dan O’Neil, athletic director for the Beaver Area School District. (January, 2005)
- Documented correspondence with the WPIAL and the PIAA. (2005)
- Documented and participated in phone conferences and correspondence with the Pennsylvania Department of Education. (2005)
- Documented and participated in a conference call and correspondence with Susan Brownlee of the Grable Foundation. (January, 2005)
- Documented and participated in a phone conference with Jeremy Resnick, Chief Executive Officer of Propel Charter Schools. (January 10, 2005)
- Documented and participated in three phone conferences with Robert W. O’Donnell and received one memo from Robert W. O’Donnell, Philadelphia attorney specializing in charter schools. (January, 2005)
- Documented and participated in the A+ Schools conference. (February 1, 2005)
- Documented and participated in one phone conference and exchanged two emails with Robert W. O’Donnell, attorney specializing in charter schools. (February, 2005)
- Documented and participated in a retreat between the administration and school board of the Beaver Area School District. (February 12, 2005)
- Documented and participated in a Beaver Area School District School Board meeting. (February, 2005)

- Documented and participated in meeting of the Beaver Area School District Administration. (March 4, 2005)
- Documented and participated in an executive session meeting with Beaver Area School Board. (April 18, 2005)
- Documented and observed a Beaver Area School District school board meeting. (April 25, 2005)
- Documented and participated in the Intermediate Unit 27 Superintendents Advisory Council meeting. (April 28, 2005)
- Documented and participated in individual meetings with members of the Board of Trustees for the Beaver Area Academic Charter School. (May, 2005)
- Documented and participated in meetings and correspondences with the Community Loan Fund of Southwestern Pennsylvania. (April & May, 2005)
- Documented and participated in meeting of the Board of Trustees for the Beaver Area Academic Charter School. (May 31, 2005)
- Documented and participated in meeting of the Board of Trustees for the Beaver Area Academic Charter School. (June 28, 2005)
- Documented and participated in meeting of the Board of Trustees for the Beaver Area Academic Charter School. (July 26, 2005)
- Documented and participated in the first day of school for the Beaver Area Academic Charter School (August 28, 2005)

Data Collection Procedures

The researcher will conduct a chronological narrative that will answer many of the research questions. The researcher will utilize notes, documents, written correspondence, transcripts and primary source documentation. Primary source documents will be provided as supplements to the narrative. Currently the documents and files are housed at several locations including the administrative offices of the Beaver Area School District, the administrative offices of Beaver Area High School and in the operational space of the Beaver Area Academic Charter School. The Beaver Area School District superintendent, and the President of the Beaver Area School Board will review the chronological narrative. The response of the reviewers is attached as appendix “A”.

“Although many theories develop primarily through the use of a single approach to data collection, they are generally enriched by broadening the data collection base” (Lecompte, 1993, p.148). Therefore, research questions not answered by the chronological narrative will be answered by a narrative summary of interviews that will be conducted with participants outlined in this chapter. The interviews will be conducted in person by the researcher. The researcher intends to conduct the interviews on site for each of the schools. The sites of the schools are Beaver, Erie and Midland, all in Pennsylvania.

Data Analysis

According to Merriam (1988), the “case study is an interpretive presentation and discussion of the case resting upon evidence gathered during fieldwork” (p.167). One of the critical components of the analysis of the data will be determining the validity of the data. Confidence in the validity of the data will be determined by comparing the chronological

narrative reviewed by individuals with personal experience and deep understanding of the data. Comparing meeting notes and personal documentation to archive and government documents will provide another confirmation to the validity of the data. Analyzing data from multiple cases will assure translatability. LeCompte (1993) states, “assuring comparability and translatability provides the foundation on which comparisons are made” (p.47). Triangulation will be utilized to establish creditability and translatability.

Triangulation as a form of cross validation will be specifically used by comparing the data of the chronological narrative to data set created by interviewing executive officers of charter schools other than Beaver Area and superintendents of school districts other than Beaver Area. This will demonstrate comparison between two independent sets of data.

“What you cannot explain to others you do not understand yourself” (Dey, p. 249). Describing and conveying what is in the data is critical to a case study and qualitative research. The description of the data and its meaning and application to other individuals or entities will be organized by themes that emerge from the data. These themes will be organized into the areas of research outlined in the research questions of the study. The data will be interpreted and conclusions derived that will yield possible applications for others.

Chapter 4

Data

The chronology of the creation and development of the Beaver Area Academic Charter School is based on the documentation of the researcher, primary source documents including the charter school application, grant applications, written communications and minutes of board meetings.

November 3, 2004

Meeting between school board members and administration of the Beaver Area School District and the Midland Borough School District. (B.White, meeting notes, November 3, 2004)

The meeting was attended by Beaver Area Superintendent, Dr. John Hansen; Midland Borough Superintendent Dr. Nick Trombetta; four board members from each district, Sean Tanner, principal in Midland Borough School District; and Brian White, principal of Beaver Area High School.

The purpose of the meeting was to try to reach consensus after months of informal discussions between the two districts regarding a possible tuition agreement to educate Midland Borough high school students at Beaver Area High School. The meeting was very cordial but the participants were very direct. The Beaver administration and school board indicated that they were willing to accept the Midland students. The cost would be the school district's tuition rate of \$6,388. The only condition would be that students who were

disruptive would be removed and would remain the responsibility of Midland Borough School District.

Midland Borough School District indicated that they wanted a tuition agreement with Beaver Area School District. Dr. Trombetta also indicated that removing disruptive students would not be a problem. However, Midland indicated that the cost was too high and that they did not want an exclusive agreement with Beaver Area. Midland Borough wanted to have multiple options for their students. The need for multiple options was driven by a previously signed contract between East Liverpool School District in Ohio and Midland Borough School District to educate Midland Borough high school students. The length of the contract between Midland Borough and East Liverpool is 20 years and will expire in 2020. Any exclusive contract with another school district would violate the existing contract. Financially, Midland Borough indicated the most they could afford was \$5,700 per child.

The major sticking point between the two school districts was the length of the agreement. Beaver Area School District wanted an annually renewable contract and Midland Borough School District wanted a 20-year contract. A large amount of time was spent discussing the merits of a short or long contract. For Beaver Area School District, the major rationale for a short contract was fears about increasing costs that would not be anticipated in a tuition agreement and maintaining local control of the school district. The major concern for Midland Borough was having a stable long-term education option for high school students.

The meeting ended with both school districts agreeing that they wanted to work together but neither district was quite sure what that would look like. After the meeting Dr.

Hansen asked me to describe briefly the possibility of starting our own charter school to the Beaver Area board members. I had discussed the possibility with Dr. Hansen a few times prior to this meeting. I presented a brief sketch of how a charter school might help us. The Beaver Area School Board was intrigued. They asked if I could make a presentation at an executive session and take steps necessary to start a charter school. (B.White, meeting notes, November 3, 2004)

November 11, 2004

Application for the Beaver Area Academic Charter School is submitted to the Beaver Area School District.

The application to start a charter school by the beginning of the 2005-2006 school year was due by November 15, 2004 . Between November 3, 2004 and November 11, 2004, I immersed myself in charter school legislation and generated a complete application for the Beaver Area Academic Charter School and submitted it to the Beaver Area School Board on November 11, 2004.

Act 22 of 1997 stipulates a number of items that are required as part of a charter school application. The guidelines in Act 22 were followed to fulfill the requirements for the application. The original application is below:

II. School Name

Beaver Area Academic Charter School

III. Grade Levels

The *Beaver Area Academic Charter School* will enroll students in grades nine through twelve.

IV. Governance

The *Beaver Area Academic Charter School* will be lead by a *Chief Academic Officer* and overseen by a *Board of Trustees*. The *Chief Academic Officer* shall be a member of the *Board of Trustees* and appointed by majority vote of the *Board of Trustees*. The *Board of Trustees* shall be comprised of three to five members.

Qualifications for *Trustees* are listed below.

- Hold principal certification in the Commonwealth of Pennsylvania.
- Be a current administrator in a public school entity in Pennsylvania.

The initial members of the *Board of Trustees* are listed below:

Dan O’Neil
Dan Taormina
Brian White

The *Chief Academic Officer* will be:

Brian White

Proposed method of appointment or election:

Public notice will be published of vacancies on the Board. Interested individuals will be given an opportunity to apply for appointment to the board. The Board will review applicants for each vacancy and recommend a candidate for said position(s) that exists on the Board. An Election will be conducted at a published meeting of the Board of Trustees.

Process for making executive decisions:

The Board meets on a regular basis to make major policy decisions. The CAO is empowered to make executive decisions in line with the school’s approved policies and procedures.

Proposed management organization of the school, including the following requirements:

The Board has and exercises the corporate powers prescribed by the laws of the Commonwealth of Pennsylvania, and more particularly described in the Charter School Law. The essential function of the Board is policy-making, the assurance of sound management and active participation in the provisions of necessary funds. The Board has the ultimate responsibility to determine general, academic, financial, personnel and related

policies deemed necessary for the administration, development, and ongoing operation of the Charter School in accordance with its stated purposes and goals. The Chief Academic Officer manages the school.

Required management organization for the Board:

An affirmative vote by a quorum of the members of the Board of Trustees of the Charter School, duly recorded, showing how each member voted, is used in order to take action on the following subjects:

1. School Calendar
2. Adopting textbooks
3. Appointing or dismissing Charter School administrators
4. Adopting the annual budget
5. Purchasing or selling of land
6. Locating new building or changing the locations of old ones
7. Creating or increasing any indebtedness
8. Adopting courses of study
9. Designating depositories for school funds
10. Entering into contracts of any kind where the amount involved exceeds \$1000
11. Fixing salaries or compensation of administrators, teachers, or other employees of the Charter School
12. Entering into contracts with and making appropriations to an intermediate unit, school district or Area Vocational/Technical School for the charter's proportionate share of the cost of services provided or to be provided by the foregoing entities

Roles and responsibilities of the Board:

The Board has and exercises the corporate powers prescribed by the laws of the Commonwealth of Pennsylvania, and more particularly described in the Charter School Law. The essential function of the Board is policy-making, the assurance of sound management and active participation in the provisions of necessary funds. The Board has the ultimate responsibility to determine general, academic, and financial personnel and related policies deemed necessary for the administration and development, and ongoing operation of the Charter School in accordance with its stated purposes and goals. The Chief Academic Officer manages the school.

Requirement for school by-laws:

The by-laws must contain a provision for "failure to organize or neglect of duty." Specifically, the by-laws must outline a removal procedure for the failure of a Board member to perform his or her duties as outlined in the Charter School Law. No Board member shall as a private person engage in any business transaction with the charter school of which he or she is a trustee, be employed in any capacity by the charter school of which he or she is a trustee, or receive from such charter school any pay for services rendered to the charter school. A charter school Board of Trustees shall have a designated treasurer who

shall receive all funds including local, state and federal funds and privately donated funds. The treasurer shall also make payments out of the same on proper orders approved by the Board of Trustees, signed by the president or vice-president of the Board. The treasurer may pay out such funds on orders that have been properly signed without the approval of the Board first having been secured for the payment of amounts owing under any contracts which shall previously have been approved by the Board, and by which prompt payment the charter will receive a discount or other advantage. Procedures for dismissal of an employee must be contained in the by-laws.

Submit Board members' names, addresses, phone numbers and resumes.

V. Mission and Educational Goals

The mission of the *Beaver Area Academic Charter School* is to provide students academic opportunities that they would not receive in their school district of residence.

The specific curriculum focuses of *Beaver Area Academic Charter School* are as follows:

- Pre-Advanced Placement Courses
- Advanced Placement Courses
- Orchestra
- Army JROTC
- Computer Networking
- World Languages

The success of the students meeting the academic goals will be assessed by an individual portfolio, which will be evaluated by a panel of community members.

These goals will be met by purchasing available seats in the designated programs from the *Beaver Area School District*. A complete listing of credit requirements and course offerings is attached as an appendix.

VI. Admission Policy

Students will be admitted on a first come first serve basis if they meet the admission guidelines for the program they wish to enroll in. The *Beaver Area Academic Charter School* will not discriminate on the basis of race, color, national or ethnic origin, age, gender, religion, disability, or because a person is disabled.

The *Beaver Area School District* will determine the number of seats available. Students who meet admission requirements will be admitted on a first come first serve basis. A lottery will be used to choose students who applied to resolve discrepancies with students who enrolled at the same time.

General Guidelines:

1. Parents/Guardians enrolling a student must provide general information on registration form.
2. Parents/Guardians must provide proof of residency.
3. Parents/Guardians must provide all required health records.
4. Parents/guardians must sign a release enabling the charter school to seek previous educational and disciplinary records.

Program Admission Guidelines:

Pre-Advanced Placement Course Program:

- Only available for grade 9 & 10 students
- Minimum GPA in core subjects during the previous year of school of 3.4
- No previous disciplinary infractions that resulted in suspension

Advanced Placement Course Program:

- Only grades 11 & 12
- Success in the Pre Advanced Placement Program or
- Minimum GPA in core subjects during the previous year of school of 3.7
- No previous disciplinary infractions that resulted in suspension

Orchestra Program:

- Grades 9, 10, 11 & 12
- Minimum GPA in core subjects during the previous year of school of 3.0
- No previous disciplinary infractions that resulted in suspension

Army JROTC Program:

- Grades 9, 10, 11 & 12
- Minimum GPA in core subjects during the previous year of school of 3.0
- Interview on citizenship and leadership (Rubric will be provided.)
- No previous disciplinary infractions that resulted in a suspension

Networking Program:

- Grades 9, 10, 11 & 12
- Minimum GPA in core subjects during the previous year of 3.0
- Interview and demonstrated proficiency in basic computer skills
- No previous disciplinary infractions that resulted in a suspension

World Languages:

- Grades 9, 10, 11 & 12
- Minimum GPA in core subjects during the previous year of 3.5
- Interview and demonstrated interest in the desired world language.
- No previous disciplinary infraction that resulted in a suspension.

VII. Suspension and Expulsion

The policies regarding the suspension and expulsion of students will be the same as the policies governing suspensions and expulsions for the *Beaver Area School District*. Any *Beaver Area Academic Charter School* student expelled by a service provider shall be expelled from the *Beaver Area Academic Charter School*.

VIII. Community Involvement

The community will be involved in the ongoing assessment of student achievement. Community panels will evaluate individual student portfolio presentation and provide feedback to the student and the *Beaver Area Academic Charter School*.

IX. Financial Plan

Income:

The primary source of income for the *Beaver Area Academic Charter School* will be generated by payments from the school district of residence of students who are enrolled in the *Beaver Area Academic Charter School*. The secondary source of income will be grants.

Expenses:

The primary expense for the *Beaver Area Academic Charter School* will be tuition payments to the Beaver Area School District. This expense will be established when a contract is developed between the *Beaver Area School District* and the *Beaver Area Academic Charter School*. Other expenses will include general office expenses, advertising, staff, and programmatic expenses. Expenses will be paid at the discretion of the *Chief Academic Officer* with the approval of the *Board of Trustees* by majority vote.

Surplus Funds:

Surplus funds will be held in a budgetary reserve and used to enhance the programmatic offerings and education experience of the students. All funds will be utilized at the discretion of the *Chief Academic Officer* with the approval of the *Board of Trustees*.

Records:

Records will be maintained to conform to all required governmental and auditing guidelines.

X. Parent Complaints

The *Chief Academic Officer* will address parent complaints. The *Board of Trustees* will be notified of complaints at their quarterly meeting. The *Board of Trustees* may convene in emergency situations to address parent complaints.

XI. Address

The *Beaver Area Academic Charter School* shall lease space at the Beaver Area Middle School/High School campus. The mailing address for the *Beaver Area Academic Charter School* shall be:

Beaver Area Academic Charter School
Gypsy Glen Road
Beaver, PA 15009

XII. Calendar

The *Beaver Area Academic Charter School* will annually adopt the approved calendar of the *Beaver Area School District*. The *Beaver Area Academic Charter School* will comply with all laws and regulations in the School Code of Pennsylvania.

The *Beaver Area Academic Charter School* shall operate a minimum of 990 hours per year and a minimum of 180 days as required by law.

XIII. Faculty & Professional Development

All faculty will hold appropriate certifications. Faculty will participate in professional development provided by the *Beaver Area School District*.

XIV. Extracurricular & Interscholastic Athletics

Students enrolled in the *Beaver Area Academic Charter School* shall be permitted to participate in all extracurricular and interscholastic athletic programs offered by the *Beaver Area School District*.

XV. Criminal History & XVI Child Abuse

All clearance statements are currently on file with the *Beaver Area School District*.

XVII. Insurance & Professional Services

The *Beaver Area Academic Charter School* shall enter into a contract with the *Beaver Area School District*. The contract will provide the *Beaver Area Academic Charter School* with administrative services, professional services, and general liability insurance.

November 15, 2004

Executive Session with the Beaver Area School Board

(B.White, meeting notes, November 15, 2004)

The purpose of this meeting was to discuss the possibility of a tuition agreement with Midland Borough School District; the impact on personnel; and to determine if founding a charter school could help us meet our objectives. The entire school board, Dr. John Hansen, Superintendent, and this writer were present. The meeting moved quickly to the possibility of starting a charter school.

The presentation I made to the Beaver Area School Board included discussion of the following topics and points: (B.White, meeting notes, November 15, 2004)

- PA Charter School Law- Act 22
- Legislative Intent
 - Provide parents and pupils with expanded choices in the types of educational opportunities that area available within the public school system.
- Mission of the Beaver Area Academic Charter School
 - The mission of the Beaver Area Academic Charter School is to provide students academic opportunities that they would not receive in their school district of residence.
- Separability
 - The charter school will be an independent Local Education Agency separate from the school district.

- Function of the charter school
 - The charter school will purchase classroom seats from the school district in specific programs.
- School District and Charter School Relationship
 - School district grants the charter.
 - School district and the charter school enter into a contract.
 - School district annually determines how many seats are available for the charter school to purchase.
 - At the end of the five-year charter the school district evaluates the charter school and determines if should be renewed.
- Academic Opportunities
 - Comprehensive High School
 - Advanced Placement Courses
 - Pre-Advanced Courses
 - Army JROTC
 - Orchestra
 - Computer Networking
 - World Languages
- Charter School Governance
 - Board of Trustees
 - Chief Academic Officer
 - No full time employees of its own.

- Administrative functions will be contracted to the Beaver Area School District.
- Revenues
 - Revenues are generated by tuition payments from the student's school district of residence. This amount is stipulated by the state.
 - Grant funding will provide other significant revenues.
- Expenditures
 - Tuition payments to the Beaver Area School District.
 - Operating cost such as insurance, legal fees and memberships.
- Budget Surplus
 - The budget surplus will be used to improve and enhance the educational programs of the Beaver Area School District.
- Transportation
 - The school district of residence is required to provide transportation in the same manner they do for students attending a private school.

The purposes in creating a charter school were (1)to increase student enrollments and financial resources by creating a vehicle for non-resident students, particularly Midland students to be able to attend Beaver Area High School and (2)to improve and provide more specialized academic programs. The benefits of this arrangement were that the Beaver Area School Board could annually determine the number of seats available to the charter school

and maintain local control. The creation of a charter school would also be a financial benefit to the Midland Borough School District. The cost of sending a student to the charter school would be almost \$2,200 less than the Beaver Area High School tuition rate of \$6,388. The reduction in cost was possible because the Pennsylvania Department of Education reimburses a school district for approximately 30% of the cost of sending a student to a charter school.

December 1, 2004

Meeting with the Superintendents of Beaver Area School District and Midland Borough School District. (B.White, meeting notes, December 1, 2004)

Dr. John Hansen and I met with Dr. Nick Trombetta, superintendent of Midland Borough School District. At this meeting, we shared with Dr. Trombetta our plans for a charter school. We also shared the basic concept.

Dr. Trombetta was very supportive. He described the idea as brilliant and further thought that it would be more advantageous for Midland Borough School District if his students attended Beaver via the charter school rather than a tuition agreement.

December 7, 20004*Faculty meeting at Beaver Area High School*

(B.White, meeting notes, December 7, 2004)

We had an open faculty meeting for the middle school-high school faculty. I presented a PowerPoint presentation and took questions and comments from the staff. Approximately 20 teachers out of a faculty of 63 attended.

Questions were raised about capping class sizes and how would we handle students who were disruptive. The teachers were genuinely interested in how this would stabilize our enrollments and programs.

December 13, 2005*Public hearing before the Beaver Area School Board.*

Lee Price, an attorney with Andrews & Price in Pittsburgh had advised the school district that the public hearing needed to comply with the Sunshine Act. (A. Evankovich, personal communication, December 7, 2004) Therefore we needed to provide public advertisement of the meeting, which was done in the Beaver County Times. In addition to the meeting notice we issued a press release with more information regarding the potential new charter school.

The possibility of a new tuition agreement with the Midland Borough School District had been circulating in the community. Many community members attended the public hearing thinking that it would be addressing the tuition agreement. Because of this confusion we had to begin the meeting by explaining that there was indeed a difference and community members needed to hear the whole presentation before questions.

The public hearing began with Curt Frank, the school board president and Dr. John Hansen, superintendent stating to the audience, which numbered about 100 people, that this presentation was on a possible charter school, not a long term tuition agreement with Midland Borough School District.

I began the presentation by using the same PowerPoint and talking points that I had discussed with school board on November 15, 2004. The text of my presentation is below:

“Good evening. For those of you that don’t know me, my name is Brian White. I am the principal at the Middle School-High School, and for the purposes of this evening, I also am serving as the applicant for the Charter School that I am going to propose, have proposed to the Board. I filed an application with the School District in early November, and I am going to go a little bit through what that all means.

The proposed name for the Charter School, which I have filed with the Beaver Area School District, is the Beaver Area Academic Charter School. Tonight’s hearing is being conducted as is required in Act 22 of 1997, also known as the Pennsylvania Charter School Law. Act 22 of 1997 established a legislative intent for charter schools. When we filed the application, we really feel that the Charter School that we are proposing both lives up to what the intent of the law is and the spirit of what the legislators had in mind. The idea was to provide more opportunities within the public education system for students across the Commonwealth. So, we really feel that this proposal coincides with the legislative intent. The mission of the Beaver Area Academic Charter School is to provide academic opportunities to students that wouldn’t have them in their own school district of residence.

The Charter School – I am going to read it from here. The Beaver Area School District and the Beaver Area Academic Charter School will be separate entities. It will be associated by a contract between them. Additionally, in our Act 22 of 1997 the School District is responsible for evaluating the Charter School. So, for the remainder of this evening, I am going to refer to the Beaver Area School District as the “School District,” the Beaver Area Academic Charter School as the “Charter School.”

The basic function of this Charter School is: It will purchase surplus seats from the Beaver Area School Board to allow students from other school districts to take advantage of some of the programs here. The relationship between the School District and the Charter School is pretty simplistic. The School District is responsible for providing the Charter if we have met the threshold that they feel is acceptable in our application. The School District and the Charter School enter into a contract. Each year the School District will have the right of determining how many seats are available for the Charter School to fill. At the end of five years – Charters are for three to five years, and we are proposing a five-year charter – the School District will have the opportunity to decide if they would like to continue this or not continue this Charter School. Now, as you see, though, the Beaver Area School Board has lot of authority in this kind of setup because every year they determine how many seats are available. So, depending upon whatever factors they deem necessary for operation of the building that could be zero seats that could be twenty seats. It depends on how much space they feel is available within the school district.

The programs will be very specific as far as seats wise, too. The school district will have to provide the charter school each year how many seats are available and how many seats each of the programs that are listed behind me are available for the comprehensive

high school, the advanced placement courses, Army JROTC, orchestra, computer networking, and the world languages. These were all programs that are unique to Beaver as compared to some of our surrounding schools, not all surrounding schools but some of the surrounding schools.

The charter school will be responsible for the recruitment and selection of the students. Now, Act 22 of 1997 allows the charter school to establish entrance requirements for students coming into the School District, actually into the Charter School, thus placing them into the School District. The School District and the Charter School will agree upon mutually acceptable entrance requirements that are also legal. In addition to general overall requirements, we will also have program specific requirements, and let me give you an example of a general requirement that could be in place. An example of this would be that students who have a disciplinary infraction that has resulted in a previous suspension in their school district would be disallowed from coming in. An example of a program specific requirement would be an audition to participate in the orchestra program to demonstrate competency to play within the orchestra.

A Board of Trustees and a Chief Academic Officer will govern the Charter School. It will not have full-time employees of its own. Unlike some Charter Schools around the area, this Charter School is really a conduit to purchase seats from the Beaver Area School District. So, the teaching staff is really the Beaver Area School District's. The administrative staff is the Beaver Area School District's. Likewise, as part of the contract, the Beaver Area School District will be providing some of the administrative services such as functions in the business office to the Charter School.

I'd like to talk a little bit about revenue structure related to Charter Schools.

Revenues are really generated from two sources in Charter Schools. One is the tuition from the home school district. The law stipulates this amount. So, it's not a negotiation between any two parties. The law stipulates how much money comes from the school districts to the Charter School. Grant funding is the second area of funding that's available, and there is actually significant resources in this area in the State of Pennsylvania and, you know, some of it is in the form of planning money, some of it is in the form of implementation money.

Now, some would say you know, "How much money do we spend on Charter Schools as a School District?" And over the past four years, we have spent over \$500,000 paying tuition to other school district's Charter Schools just to give you sort of a framework about where we are.

The expenditures for the Charter School are pretty much focused on tuition payments to the Beaver Area School District. That's the major cost of the Charter School. The secondary cost is insurance, legal fees, and memberships, and obviously insurance is general liability, errors and omissions. Membership includes a variety of things that any academic institution has to belong to. That's not an overabundance of overhead.

We have one of the lowest tuitions around. So, the majority of our students coming to us, there will be a surplus even if we are paying 100 percent tuition to the Beaver School District from the Charter School. Our vision of the surplus fund is to use that to reinvest in the programs we have listed before. Most of those programs are high cost programs to the School District. The money reinvested will benefit both the Charter School students and the students of the Beaver Area School District.

Transportation is another issue, and when a lot of people think of Charter Schools in Beaver County, they immediately think of the Cyber Charter School, and obviously the kids do not need to be transported. Transportation for Charter Schools is somewhat of a limiting factor because there are certain stipulations in the State Code as to how far a school district is required to transport a kid. The distance is spelled out the same as it is for private schools and Catholic schools. I believe its ten miles from our border. I am looking to Vic for affirmation. He's saying "yes," that's the case, and so that really is the limiting factor as to how far our scope is unless a parent chooses to provide transportation of his or her own. The Charter School itself would not, you know, knock off transportation costs as well.

I am going to slide back to the slide that talks about the programs, talk a little bit about each of these programs. Comprehensive high school is for students' grades nine through twelve, meant for students that do not have a high school of their own in Beaver County. That predominantly means the Midland students. Right now at Beaver High School we have 17 students from the Midland School District, and we don't have any major disruptions that I am aware of, and I am here every day. The advanced placement courses are those in the eleventh and twelfth grade that focus on mostly math, science, English, and social studies. From time to time we do operate AP music courses. The pre-advanced courses are focusing on ninth and tenth grade, which is really the preparatory courses for students going into the advanced track; namely, in mathematics in ninth grade that would be Algebra II, and in tenth grade it would be chemistry. As you go to the English, English CP, college prep courses.

The Army JROTC program is nine through twelve, a program focusing on leadership and citizenship skills. We frequently have students from a variety of districts often inquiring

if they can participate in this program. As recently as this morning we had a student from another school district ask about participation.

Likewise, in the orchestra, from time to time we have had students from various school districts surrounding us ask to participate. At this point, we are the only school district in Beaver County that has an orchestra.

Computer networking is a combination program between our business department and what we call our web page design classes and our Cisco certification classes, which really focuses on the tenth, eleventh, and twelfth grades.

Our world language program at Beaver is pretty comprehensive. We do four languages, Latin, German, French, and Spanish, and we have up to five levels in each of those languages, which is also unique. Some of the surrounding school districts offer some languages that we have; for example, if their school district of residence offered French, the student would not be eligible to come here for a French program. It would have to be something they cannot get in their own school district.

So, in a nutshell, for the Board members and the public, that's the concept at large of the Charter School, and I'd be more than willing taking any questions at this point that people might have" (White, 2004).

In addition to the presentation the audience asked many questions. Some of which are below:

"How much money will you be getting from the students?" (White, 2004)

“What would be the process of selecting the Board of Trustees to run the charter school?” (White, 2004)

“Will you have employees?” (White, 2004)

“If you fill a classroom to capacity and we have new students move in, will you be taking their seats?” (White, 2004)

“You say there are other charter schools around. Where?” (White, 2004)

“They would be able to take the general curriculum”? (White, 2004)

“With these kids being able to take all the classes, what about the classrooms that we have, the classes that do fill up, you know, that are the popular courses? Will they have the option to knock our kids out of taking that, or will we get the first pick and then if that class is available they will get to pick?” (White, 2004)

“Will we share the expense of uniforms for these kids to be on our teams?” (White, 2004)

“Who makes the final decision?”(If we should have a charter school) (White, 2004)

“How do you pick the students?”(White, 2004)

The general feedback that I received from the community after the public hearing was that they felt better informed, wanted to think about it and they may have more questions later. The school board seemed satisfied and we prepared to continue the process for our charter to be approved.

December 14, 2005

Public reaction to the media and the public hearing.

The initial public reaction from Beaver Area residents and faculty was positive. However, we received a number of phone calls expressing concern from other Beaver County school district administrators.

December 16, 2005

Visit to Millcreek Township School District and Pennsylvania Global Academy Charter School

The purpose in visiting these two entities is that they already engaged in a partnership in grades K-8. They had overcome lawsuits and faculty concerns. The program had grown very large very quickly. It was our hope to learn some of the steps they had taken to fortify their position.

We met with Ed Grzelak who was serving as the Chief Executive Officer of the Pennsylvania Global Academy Charter School. He noted two major opponents: The Millcreek faculty and the Erie School District. He described the initial negative reaction from the Millcreek Township School District faculty and the ensuing battle with the Pennsylvania State Education Association. Eventually, the Pennsylvania State Education

Association dropped the grievance and lawsuit. Still a legal battle between Pennsylvania Global Academy Charter School and the Erie School District was still unresolved.

The suit was ongoing during our visit so we just discussed the major themes, which were public knowledge. To better understand the lawsuit we first needed to understand how the Pennsylvania Global Academy Charter School was created and operated.

The application to create the Pennsylvania Global Academy Charter School was filed with the Millcreek Township School District on November 14, 2002. The focus of the school described in the application was: (Pennsylvania Global Academy Charter School, 2002)

Pennsylvania Global Academy Charter School will serve as a brokerage of individualized learning programs to students and parents seeking a carefully designed educational plan that is developed around learning styles, multiple intelligences and personal preferences and circumstances.

The design of the school was to utilize existing programs at Millcreek Township School District. The school design portion of the application was described in greater detail.

Millcreek Township School District (MTSD) began exploring unique educational opportunities for students seeking options in 1986 when it began opening Millcreek's opportunities to tuition students seeking creative alternatives.

It was decided to continue the existing opportunities and expand the individualized opportunities through utilization of the Pennsylvania Charter School Law. Millcreek's opportunities will be offered to pre kindergarten through grade 12 throughout Pennsylvania and will involve individualized learning plans and related curriculum opportunities in programs such as but not limited to:

- Elementary Gifted Magnet
- Regular K-12 program
- Cyber Assisted Instruction
- Manufacturing and Commerce
- High School Performing Arts
- College Preparation High School
- High School Fitness and Sports
- Middle School Science & Technology
- Montessori Education

McMac Academy
On the Job Training Program
Vocational-Technical Setting
School within a School Program
Other Alternative Opportunities
North Coast School

Ed Grzelak was pretty clear that what they were doing is what we hoped to do. They were allowing students to enroll in Millcreek School District's programs and utilizing a charter school as the conduit to bill the district of residence to pay tuition.

According to Ed Grzelak, the Pennsylvania Global Academy Charter School had been enormously successful. Initially Pennsylvania Global Academy Charter School was proposed as a Pre-K through grade 12 school. However they decided to operate only kindergarten through grade 8 during the first year. The charter application had projected 250 students enrolling in the first year. The enrollment was actually 450 students in the first year. They anticipated considerable growth in enrollment. Ed indicated that the bulk of these students were fleeing the Erie School District.

We talked at length about the reaction of the Erie School District. Ed indicated it had become very contentious and that the two school districts and the charter school were engaged in a lawsuit (E Grzelak, personal communication, December 16, 2004).

Ed indicated that a number of issues were cited in the lawsuit but separability and where the students were being educated were the two major issues (E Grzelak, personal communication, December 16, 2004).

According to Ed the initial board of trustees for the Pennsylvania Global Academy Charter School had a number of administrators from Millcreek Township School District as its members (E Grzelak, personal communication, December 16, 2004). As a result of the lawsuit and on the advice of their attorney, the administrators from Millcreek School District

resigned and new board members were appointed (E Grzelak, personal communication, December 16, 2004). Ed indicated that the charter school's attorney was looking into other separability issues (E Grzelak, personal communication, December 16, 2004).

The second major issue focused on where the students were educated. Pennsylvania Global Academy Charter School had no new program or independent programs in its school but rather it served as a broker to place students in Millcreek Township School District programs (E Grzelak, personal communication, December 16, 2004). Ed explained that Erie was citing a portion of the Pennsylvania Department of Education's Basic Education Circular. The following is an excerpt from the Basic Education Circular that pertains to charter schools.

*A charter school, including a conversion charter school, must be a separate and distinct entity from the school district that grants the charter. Students enrolled in any charter school must be educated: **(1) in a building that is separate from buildings used by the school district to educate school district students**, or (2) in the case of a partial conversion, in an area of a building that is completely separate from any area that is used to educate school district students.*

Ed indicated that the lawyers for the charter school were defining their charter school as a partial conversion (E Grzelak, personal communication, December 16, 2004). Furthermore, those specific seats in each classroom would be defined as charter school seats and thus meets the requirement of separation (E Grzelak, personal communication, December 16, 2004).

Needless to say the visiting team from Beaver was concerned. Our charter school was going to serve essentially the same function and have the same relationship with Beaver Area School District. The Basic Education Circular was pretty specific and the rationale to

defend against described by Ed Grzelak was too thin for us to be comforted. Additionally, we knew that in our application we had administrators from Beaver Area School District as the Board of Trustees. We knew after this visit that we would have to make changes in our application.

The final topic we discussed with Ed Grzelak was about athletic participation. Ed stated that students enrolled in the charter who wished to participate in interscholastic athletics would have to play for the student's district of residence team (E Grzelak, personal communication, December 16, 2004). We knew we had to explore this further because the bulk of our students would be residing in a school district that had no high school nor high school athletic program.

January 4, 2005

Communication with other Education Entities

Word of our proposed charter school had brought positive and negative reactions from other school districts. Some saw the creation of a charter school as an opportunity and others saw the creation of a charter school as the demise of public education.

The Community College of Beaver County saw the positive opportunities that the charter school presented. Joe Forrester, President of the Community College of Beaver County, asked to meet with us in December. During that meeting we were asked what the charter school would look like and whom did we hope to serve. Based on that conversation, Joe Forrester asked to become a partner with our charter school to allow students to earn college credits while in high school. The creation of a dual enrollment program was something that the community college had been attempting for some time. We had now received a formal letter validating our school concept and asking us to enter into a partnership. Below is an excerpt from that letter.

“While they’re a variety of models for these partnerships as they have been adapted to local needs and interests, this is an area where, in the public school arena, Pennsylvania lags behind for a variety of reasons. I believe creation of the Charter School presents the opportunity to circumvent many of the present difficulties affecting public school and community college partnerships, and I hope you will have interest in our proposal”

(J Forrester, personal communication, January 4, 2005).

Since a charter had not yet been formally approved, we could not enter into any partnerships. We did indicate that as we continued to design more specifics regarding our program that we would keep this potential partnership in mind.

The second positive reaction was from Julie Modani, President of the Western Beaver School Board, who contacted me. She wanted to set up a meeting between a committee of her school board and me regarding the impact, possibilities and opportunities for Western Beaver County School District as a result of the Charter School. I agreed to meet. Additionally, we discussed the consolidation of services between our school districts.

The reaction by the Western Beaver County School District was welcomed news to a portion of the Beaver Area School Board who passionately believed that school districts in Beaver County need to consolidate.

Although we had no formal or direct negative communication or meeting, we were beginning to sense some anger from educational leaders of other Beaver County school districts.

January 10, 2005

Phone call with Susan Brownlee, Grable Foundation

(B. White, phone conference notes, January 10, 2005)

Susan Brownlee, Executive Director of the Pittsburgh-based Grable Foundation, returned my phone call and I described our proposed charter school. I also asked for a grant to support a legal review of our charter application. Generally she was supportive and agreed to consider my request. She recommended that I talk to Jeremy Resnick who had experience in starting charter schools in Pennsylvania. Based on Susan Brownlee's encouragement on the phone I filed a grant application with the Grable Foundation.

January 10, 2005

Phone conference with Jeremy Resnick

(B. White, phone conference notes, January 10, 2005)

Jeremy Resnick is the Chief Executive Officer of the Propel Charter Schools, which is a network of charter schools in Southwestern Pennsylvania. The purpose of the call was to ask Jeremy for advice regarding our legal matters including attorneys that are knowledgeable regarding charter schools. Jeremy without hesitation recommended that I contact Robert W. O'Donnell. O'Donnell was the former Speaker of Pennsylvania House of Representatives and the legislator who introduced the charter school bill in Pennsylvania. Jeremy described him as excellent but expensive.

January 10, 2005

Phone call with Robert W. O'Donnell, Esquire

(B. White, phone conference notes, January 10, 2005)

I spoke on the phone with Robert O'Donnell. He said that he was intrigued by our charter school concept and agreed to represent us and review our materials. I explained that I

was still pursuing funding through foundations to pay for a legal review and pay for our initial costs. I sent a copy of all of our application materials to his office.

January 20, 2005

Correspondence from the Grable Foundation

(S. Brownlee, personal Communication, January 20, 2005)

We received a letter from the Grable foundation granting the Beaver Area Academic Charter School \$5,000 for our initial legal fees. Upon receiving funding we notified Robert W. O'Donnell to begin a legal review.

January 28, 2005 & January 31, 2005

Received a memo from Robert O'Donnell and had a phone conference regarding the memo.

The communication from O'Donnell marked a critical turning point in our charter school design. The major points were those that were being challenged between the Erie School District and the Pennsylvania Global Academy Charter School.

The text of the memo is below: (R. O'Donnell, personal Communication, January 28, 2005)

I believe it is possible to create a legally defensible charter school, which enrolls students, including those from outside the district and purchases services from the home district. To do so would require a substantial change in your current approach. A reasonable observer (and sometimes courts are reasonable) would likely conclude that the current proposal would merely create an instrumentality of the district and not a true charter school. The best approach may be to think in terms of a traditional charter application and then modify that as required rather than to create a creature of

the district and try to “characterize” it. Millcreek used a more conventional charter approach although they probably did not go far enough in the direction of a true charter.

Please review the points below for discussion.

I. The threshold problem is independence.

The charter school law (“CSL”) provides that “It is the intent of the General Assembly, in enacting this article, to provide opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from existing school district structure (CSL Sec. 1702).

The definition of a charter school is “an independent public school...” (CSL Sec. 1703).

The Board of Trustees of the charter school is given “the authority to decide matters related to the operation of the school, including, but not limited to, budgeting, curriculum and operating procedures, subject to the school’s charter. The board shall have the authority to employ, discharge and contract with necessary professional and nonprofessional employees” (CSL Sec. 1716a).

The entire liability for any and all damages arising from the operation of the school rests with the charter school and its Board of Trustees and in part because

of the separation of the charter school and the district. “The local board of directors of a school entity shall not be held liable for any activity or operation related to the program of the charter school” (CSL Sec. 1727).

The indicia of independence would include:

- Clear authority of the Trustees to make all decisions concerning the operation of the school without the consent of the district;
- Management of the school by employees of the charter;
- Key employees, including most teachers as employees of the charter;
- Separation of funds with all charter funds spent for charter purposes;
- Separation of charter space and equipment;
- Arms length contractual arrangements between the charter and the district.

II. It would also be important to avoid compliance problems.

Admission – Charters are prohibited from discriminating in their admissions policies on the basis of intellectual ability, achievement or aptitude (CSL Sec. 1723 b1). A charter is also required to give first preference to students residing in the district and otherwise to admit by lottery (CSL Sec. 1723 a). The applicant pool is usually influenced by the marketing of the school but outright admissions criteria are impermissible. This might also rule out the use of behavior record as a standard although this is a closer case. If the school was providing all the

basics it is arguable that it could impose criteria for special program eligibility. It is interesting to note that charters are more restricted in this regard than traditional public schools.

Application content – The application and the presentation at the hearing do not reflect any sustainable support from the community as required by CSL Sec. 1717 e 2 i. The application and presentation also candidly present this as a financial device by the district and not an independent school.

III. The conversion issue – In order to avoid the rigors of obtaining teacher and parent support it is necessary to make clear that you are creating a new school not converting an existing school or a portion thereof.

A charter can be a useful tool in achieving your goals and we can craft a legally defensible structure but I strongly suggest that you begin with an approach that includes the above.

Clearly we needed to rethink our application. Since our visit to Millcreek School District I had been brainstorming how to create a legitimate and independent operating charter school. After reading Robert W. O'Donnell's memo, I called him with a new framework, which I believed would address many of the legal issues. (B. White, phone conference notes, January 31, 2005) The new framework would be a charter school with multiple programs. (B. White, phone conference notes, January 31, 2005)

The primary program would be for “at risk” students. By creating this type of model the Beaver Area School District could end its alternative education program. (B. White, phone conference notes, January 31, 2005) Those faculty and staff who were part of this program would become employees of the charter school. (B. White, phone conference notes, January 31, 2005) The program would be called the core education program and it would be completely self-sufficient. (B. White, phone conference notes, January 31, 2005) Students who were academically too advanced for this program would be enrolled in the enhanced academic program, which would purchase services from other local education agencies, primarily Beaver Area School District. (B. White, phone conference notes, January 31, 2005) Robert W. O’Donnell seemed to embrace this idea. (B. White, phone conference notes, January 31, 2005) However, he continued to stress two major points. First, the charter school must maintain at least one self-sufficient and independent program. (B. White, phone conference notes, January 31, 2005) Second, the board of trustees must truly be independent from the school district. (B. White, phone conference notes, January 31, 2005) Another area of concern was the Basic Education Circular regarding charter school. The particular concern was with the section of the Basic Education Circular that defined physical separation. (BEC 24 P.S. §17-1701-A)

“Separate and Distinct Entity

A charter school, including a conversion charter school, must be a separate and distinct entity from the school district that grants the charter. Students enrolled in any charter school must be educated: (1) in a building that is separate from buildings used by the school district to educate school district students, or (2) in the case of a partial conversion, in an area of a building that is completely separate from any area that is used to educate school district students.”

To begin this change and new direction the original application needed to be rejected by the Beaver Area School Board. This would give us the opportunity to rewrite our application and follow the process for rejected charter applications. It was also clear that we would need a significant amount of money for ongoing legal assistance to meet these additional thresholds.

February 1, 2005

A+ Schools Conference

(B. White, meeting notes, February 1, 2005)

A+ school is a Pittsburgh-based community advocacy group funded by local charitable foundations for the purpose of improving student achievement in our region. The A + Schools conference was a very broad based event. One portion of the conference had school district specific discussions with a facilitator. In attendance from Beaver Area School District were Superintendent, Dr. John Hansen; Principals Dennis Pittman, Steve Grossman; Teacher, Denee Stevenson; Board Member, Dr. Steve Neely, Director of Students Services, Terri Fleeson and this writer.

The facilitator for the district table discussion was Gerry Balbeir from the Heinz Endowments (B. White, meeting notes, February 1, 2005). **We** described our charter school proposal and the need for money to assist with legal costs (B. White, meeting notes, February 1, 2005). **He** was very excited and agreed to set up a meeting with Dr. Joe Domenic, Director for the Education programs within the Heinz Endowments, for possible funding (B. White, meeting notes, February 1, 2005).

February 10, 2005

Letter received from Michael Thomas Representing the Beaver County Superintendents Advisory Council.

On February 10, 2005 Dr. John Hansen, Superintendent of Beaver Area School District, received a letter from Michael Thomas, Superintendent of Monaca School District. The letter was sent on behalf of the Superintendent's Advisory Council for the Beaver County Intermediate Unit, Monaca, Pennsylvania (M. Thomas, personal communication, February 10, 2005).

The letter stated that the proposed Beaver Area Academic Charter School was discussed at the January 27, 2005 Superintendents Council meeting. As a result of that meeting the superintendents in attendance authorized a letter to be sent to the administration and school board of the Beaver Area School District (M. Thomas, personal communication, February 10, 2005).

The letter pointed out that the superintendents did not want to interfere with the right of the Beaver Area School District to make independent decisions (M. Thomas, personal communication, February 10, 2005). However, they had a few concerns that they wanted to share (M. Thomas, personal communication, February 10, 2005). The concerns were more charges and a threat of legal action. The central points of the letter are listed below:

- “There is no legal basis for the proposed school and a similar school established in the Millcreek School District is being challenged by the Erie School District.”
- “The proposed charter school does nothing more than open the doors of Beaver Area High School to students in other districts and creates a ‘backdoor’ voucher system.”

- “Other districts may propose similar programs at a variety of levels in an effort to balance the negative impact created by the proposed school.”
- “Beaver’s program seeks to attract the most academically and artistically talented students from other districts to the detriment of those programs”
- “Districts may need to seek relief through the courts.”

We immediately consulted with Robert W. O’Donnell. Mr. O’Donnell’s reaction was that any legitimate concerns would be remedied in our new application. (B. White, phone conference notes, February 10, 2005) He also made it very clear that we were better off not responding at this point. (B. White, phone conference notes, February 10, 2005) Furthermore, he felt that the letter did not establish a case and in a number of respects it contradicted itself. (B. White, phone conference notes, February 10, 2005) For example, if the creation of the charter school was such a hannus and illegal act why would other school districts consider proposing similar charter schools? (B. White, phone conference notes, February 10, 2005)

February 12, 2005

Administrative and School Board Retreat

The administrative team participated in a retreat with the school board. We talked about the legal issues raised by Robert O’Donnell. (B. White, meeting notes, February 12, 2005)

We discussed the ramifications of the charter school and the impact on surrounding schools. (B. White, meeting notes, February 12, 2005) We also distributed copies of the letter from Michael Thomas. (B. White, meeting notes, February 12, 2005)

The school board still seemed to be very supportive of the charter school concept. Because of potential legal action and the cost of that action we agreed to wait for the meeting with the Heinz Endowments before taking any additional action. (B. White, meeting notes, February 12, 2005)

February 16, 2005

Email communication with Robert W. O'Donnell

On February 16, 2005 Robert O'Donnell suggested the following course of action:

- “Obtain the form charter application from the state Department of Education and complete it as much as possible.” (R. O'Donnell, personal communication, February 16, 2005)
- “Forward it to me and we can do an initial review together. That will identify the problems, potential solutions and decisions for you to make.” (R. O'Donnell, personal communication, February 16, 2005)
- “Obtain informal consensus regarding the work product from the relevant actors in Beaver.” (R. O'Donnell, personal communication, February 16, 2005)
- “Finalize the application and submit.” (R. O'Donnell, personal communication, February 16, 2005)
- He also reminded us that we needed to reject the initial application at the February 25, 2005 Beaver Area School Board Meeting. (R. O'Donnell, personal communication, February 16, 2005)

February 25, 2005

School Board meeting for the Beaver Area School District.

The application for the Beaver Area Academic Charter School was formally rejected by the Beaver Area School District. No member of the school board, administration or public commented. (Beaver Area School District, February 25, 2005)

March 1, 2005

Implementation Grant submitted to Pennsylvania Department of Education

The Pennsylvania Department of Education provides the opportunity for grant funding for planning and implementing a charter school. By planning to open the charter school in the fall of 2005 we had to forgo any planning grant opportunities. We did apply for an implementation grant for \$194,000. This grant would cover most initial costs. Most important to us at this juncture was that our grant proposal specified \$25,000 for legal fees. A copy of the grant application has been attached as appendix "B".

March 7, 2005 & March 8, 2005

Draft of new charter school application and reaction from Robert O'Donnell

The draft of the new charter school application was completed by March 7, 2005 and was sent to Robert O'Donnell for a legal review. The legal review was positive and we were directed to file the application with the Beaver Area School District (R. O'Donnell, personal communication, March 8, 2005). The application was submitted to the Beaver Area School District on March 8, 2005. It is important to note this was not a revision but rather a completely new application. The majority of the application is below. The course

descriptions were included as part of description of the academic program in the complete application. They have been removed for this dissertation. The bylaws have been attached as appendix “C”.

The new application for the Beaver Area Academic Charter School included the following information: (White, 2005)

I. SCHOOL DESIGN

1. MISSION STATEMENT:

The mission of the Beaver Area Academic Charter School is to provide student’s individualized academic opportunities based on their needs and abilities.

The vision of the Beaver Area Academic Charter School is a school focused on delivering educational services that are based on the needs of the students.

2. MEASURABLE GOALS AND OBJECTIVES:

GOAL #1

The Beaver Area Academic Charter School will strive to provide challenging academic rigor.

This will be demonstrated by achieving the following objectives:

- All students will be required to take a minimum of Algebra I, Geometry and Algebra II.
- All students will be required to take 3 credits of a science.
- All students will be required to take 4 credits of social studies.

- All students will be required to take 4 credits of English.
- All students reaching proficient on the PSSA exams.

GOAL #2

The Beaver Area Academic Charter School will engage each student as an individual, thinker, learner, citizen, worker and communicator.

This will be demonstrated by achieving the following objectives:

- All students will participate in a mentoring program.
- All students will maintain a portfolio.
- All students will have a career plan as part of their portfolio.
- All students will complete the Keys 2 Work assessment.
- All students will place artifacts and reflections in their portfolio that demonstrate that they are individuals, thinkers, learners, citizens, workers and communicators.

3. EDUCATIONAL PROGRAM:

MINIMUM GRADUATION REQUIREMENTS

All students must earn a minimum of 22 credits in order to qualify for graduation. Those credits shall include:

<u>SUBJEC</u>	<u>CREDITS</u>
English	4.0
Social Studies	4.0
Math	3.0
Science	3.0
Arts or Humanities	2.0
Health	.5

Physical Education	**2.0
Electives	3.5

** All students must take Physical Education each year.

PROMOTION POLICY

- A minimum of 4 credits is necessary to obtain sophomore standing.
- A minimum of 10 credits is necessary to obtain junior standing.
- A minimum of 16 credits is necessary to obtain senior standing.

SPECIAL EDUCATION

The special education program will be an inclusion program. This program will be operated in compliance with IDEA and state regulations. When deemed educationally appropriate by the IEP team, the student may receive services provided by another Local Education Agency.

COURSE OF STUDY

The core course of study that will be provided by the charter school is described below. Additional courses of studies may be available by the charter school purchasing services from other Local Education Agencies.

TEACHING METHODOLOGY

The teaching methodology that will be utilized by the faculty will be guided-inquiry. Other teaching methods will be utilized when it is in the best interest of the students.

SCHOOL CALENDAR

The Beaver Area Academic Charter School shall operate a minimum of 990 hours per year and a minimum of 180 days as required by law.

The proposed calendar is attached as appendix “A”

4. SCHOOL ACCOUNTABILITY:

School Performance:

The overall performance of the charter school will be measured by the academic achievement of the students on standardized exams and by the individual success of students as demonstrated in their portfolio.

Annually the CAO of the charter school shall present the state of academic performance by the students to the board of trustees.

The goals and objectives will be evaluated semi-annually by a team of certified educators. The CAO shall provide the material requested by the team. The semi-annual evaluations will be part of the report presented annually by the CAO to the Board of Trustees.

Faculty Evaluation:

Faculty and Administration supervision evaluation model will be based on the work of Charlotte Danielson. The model focuses on the growth of an educator as a learning professional.

Student Evaluation & Records:

Student records will be digitally stored in the powerschool system. The powerschool system is a secure digital environment designed to store confidential students records.

Grading Guidelines:

Purpose:

The purpose of grading is to measure and communicate a student's academic achievement. The audience for grades includes the student, parents, other faculty and post-secondary institutions.

Connecting to the academic standards:

We are a standards-based system. All grades should communicate a student's achievement in meeting standard proficiencies. We also have many courses whose content exceeds the rigor of the academic standards. Grades in these courses are to be based on the enhanced criteria/standards developed for that course.

Evidence:

All grades are to be evidence-based and linked to a standard(s). Forms of evidence include, but are not limited to: exams, tests, quizzes, papers, presentations, projects, and daily assessments. Participation/Effort-based criteria can only be used as grading evidence if it is listed as a daily assessment and rubric exists and has been shared with the students. The activity for that day and the daily assignment must be linked to the standard(s) being addressed.

Semester Exams – We will have semester exams for all core academic courses. Semester exams will be worth 10% of the final grade. All elective courses must have a semester exam, project or portfolio.

Extra Credit – In a standards-based system extra credit does not exist. However, teachers may use alternative assessments based on the needs of the learner. Alternative assessments must measure the same standards as the initial assignment.

Grading Scale:

Letter

Grade	Descriptor	% Range
A+		97% - 100%
A		93% - 96%
A-		90% - 92%
B+		87% - 98%
B		83% - 86%
B-		80% - 82%
C+		77% - 79%
C		73% - 76%
C-		70% - 72%
D+		67% - 69%
D		65% - 66%
F		64% - 50%

Final Grade Calculation:

Faculty are to average the percentages of the quarter grades and the final exam. The lowest “F” will be a 50%. Administrative approval must be given to issue a percentage lower than 50%.

Semester Course Formula:

Quarter 1	45%
Quarter 2	45%
Semester Exam/Project/Portfolio	10%

Final Grade

Year Long Course Formula:

Quarter 1	20%
Quarter 2	20%
Quarter 3	20%
Quarter 4	20%
Semester 1 Exam/Project/Portfolio	10%
Semester 2 Exam/Project/Portfolio	10%

Final Grade	100%
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5. SCHOOL COMMUNITY:

The founding coalition has enjoyed encouragement and support from the faculty of Beaver Area School District. On December 7, 2004 an open meeting was held for the faculty of Beaver Area. The concept of a charter school was presented. The faculty made a number of suggestions that are now part of this application.

The founding coalition has also received support from both the Grable and Howard Heinz Foundations. We are currently working with the Beaver Area Community Health Initiative to be an active partner in the charter school. Our belief is that the majority of enrollment for this charter school will be from the Beaver Area School District and the Midland Borough School District. The founding coalition has met with both superintendents and has received verbal support and encouragement.

The charter school is in the process of developing collaborative relationships with community groups such as the Beaver Area Community Health Initiative (B.A.C.H.I.). Partnerships like this will help develop a strong base of support for the charter school. The membership of B.A.C.H.I. is composed of parents and community members.

Parents, who have complaints about the operation of the charter school, should first contact the CAO. If the CAO cannot resolve the matter to parent's satisfaction, the parent should submit in writing the

complaint to the President of the Board of Trustees. The President of the Board of Trustees shall review the complaint with the Board of Trustees. If a majority of the Board of Trustees concurs, a meeting will be set for the parents and the Board of Trustees to resolve the issue.

6. EXTRACURRICULAR ACTIVITIES:

It is the intention of the charter school to become a member of the Pennsylvania Interscholastic Athletic Association. Additionally, the charter school intends to enter into cooperative sponsorship agreements for athletics and activities with other local education agencies.

II. NEEDS ASSESMENT

1. STATEMENT OF NEED:

The need for this charter school is based on a lack of academic opportunities for individual students. Students seeking, without success, opportunities in school-to-work, academics, elective programs, and the arts, have demonstrated the lack of academic opportunities and the need for a charter school.

This model of a charter school empowers the parents and students to decide which choice of schools and programs best fulfills their needs.

2. SCHOOL DEMOGRAPHICS:

Year	Grades 9-12	Grades K-4	Total Enrollment
2005-2006	50	0	50
2006-2007	55	20	75
2007-2008	60	40	100
2008-2009	65	60	125
2009-2010	70	80	150

The school will operate grades 9-12 during the 2005-2006 school year. During the 2005-2006, school year an elementary program will be studied and developed with the intention of operating during the 2006-2007 school year. If the elementary program is operationalized, the target size for the charter school will be 250 students.

The location of the proposed charter was selected because it is centrally located to all school districts in Beaver County.

3. DISTRICT RELATIONS:

Our belief is that majority of enrollment for this charter school will be from the Beaver Area School District and the Midland Borough School District. The founding coalition has met with both superintendents and has received verbal support and encouragement.

It is the intent of the founding coalition to invite area superintendents to an open forum to discuss their concerns and seek ideas on how we can positively collaborate for the success of all students.

The founding coalition has enjoyed encouragement and support from the faculty of Beaver Area School District. On December 7, 2004 an open meeting was held for the faculty of Beaver Area. The concept of a charter school was presented. The faculty made a number of suggestions, which are now part of this application.

The founding coalition has also received support from both the Grable and Howard Heinz foundations. We are currently work with the Beaver Area Community Health Initiative to be an active partner in the charter school.

III. DESCRIPTION OF FOUNDING/MANAGEMENT TEAM

1. PROFILE OF FOUNDING COALITION:

The initial founding coalition is comprised of three individuals:

Brian White

Dan O'Neil

Dan Taormina

All three founders of the coalition hold principals certification in the Commonwealth of Pennsylvania. Additionally, Brian White holds the letter of eligibility for superintendent. Brian White has served as the leader of the founding coalition.

2. GOVERNANCE:

A Board of Trustees will oversee the Beaver Area Academic Charter School. A Chief Academic Officer will manage the operations of the Beaver Area Academic Charter School. The Chief Academic Officer shall be a member of the Board of Trustees and appointed by majority vote of the Board of Trustees. The Board of Trustees shall be comprised of three to five members.

The initial members of the Board of Trustees are listed below:

Dr. Curtis Feldmeier

Mrs. Pam Kuhn

Mrs. Michelle O'Farrell

Proposed method of appointment or election:

The initial board will be appointed by the consensus of the founding coalition. Vacancies that occur after the initial appointment will be filled by majority vote of the Board.

Process for making executive decisions:

The Board meets on a regular basis to make major policy decisions. The CAO is empowered to make executive decisions in line with the school's approved policies and procedures.

Proposed management organization of the school, including the following requirements:

The Board has and exercises the corporate powers prescribed by the laws of the Commonwealth of Pennsylvania, and more particularly described in the Charter School Law. The essential function of the Board is policy-making, the assurance of sound management, and active participation in the provisions of necessary funds. The Board has the ultimate responsibility to determine general, academic, financial, personnel and related policies deemed necessary for the administration, development, and ongoing operation of the Charter School in accordance with its stated purposes and goals. The Chief Academic Officer manages the school.

Required management organization for the Board:

An affirmative vote by a quorum of the members of the Board of Trustees of the Charter School, duly recorded, showing how each member voted, is used in order to take action on the following subjects:

13. School Calendar
14. Adopting textbooks
15. Appointing or dismissing Charter School administrators
16. Adopting the annual budget
17. Purchasing or selling of land
18. Locating new building or changing the locations of old ones
19. Creating or increasing any indebtedness
20. Adopting courses of study
21. Designating depositories for school funds

22. Entering into contracts of any kind where the amount involved exceeds \$1000
23. Fixing salaries or compensation of administrators, teachers, or other employees of the Charter School
24. Entering into contracts with and making appropriations to an intermediate unit, school district or Area Vocational/Technical School for the charter's proportionate share of the cost of services provided or to be provided by the foregoing entities

Roles and responsibilities of the Board:

The Board has and exercises the corporate powers prescribed by the laws of the Commonwealth of Pennsylvania, and more particularly described in the Charter School Law. The essential function of the Board is policy-making, the assurance of sound management and active participation in the provisions of necessary funds. The Board has the ultimate responsibility to determine general, academic, and financial personnel and related policies deemed necessary for the administration and development, and ongoing operation of the Charter School in accordance with its stated purposes and goals. The Chief Academic Officer manages the school.

BY LAWS

The Bylaws are appendix X.

IV. FINANCE & FACILITY

1. FINANCING:

Startup & Operating Budget

Annual Budget Year 1-50 students		
Expenses		
Line #	Description	Amount
1100	Teacher(s)*	\$120,000.00
1200	Special Education*	\$44,000.00
2300	Administrator*	\$12,000.00
2800	Admissions Advisor*	\$8,400.00
2600	Rent	\$37,500.00
2600	Insurance-Liability and E&O	\$15,000.00
2300	Curriculum Purchases	\$25,000.00
1100	Supplies - \$25 per student	\$875.00
2300	Admission Services	\$1,125.00
2300	Legal & Auditing Services	\$25,000.00
2800	Marketing Plan	\$5,000.00
Total		\$293,900.00
Anticipated Revenues		
7500	Tuition Payments From @ Average \$6800	\$340,000.00

7500	Foundation Grant(s)	\$58,000.00
Total		\$398,000.00
	Revenues Over/(Under) Expenditures	\$104,100.00

*Includes benefits

Purchasing Procedures:

Under the direction of the Board and the CAO, the Treasurer shall, with the cooperation of the school staff, develop a set of criteria that shall be used to gather bids for services/goods. The Treasurer shall, whenever possible, seek three (or more) bids for services/goods that total over \$1000. With the approval of the CAO, bids may be waived if the judgment of the two shall conclude that the proposed services/goods should be obtained immediately. The Board shall be provided with invoices/check runs of items at each board meeting.

Note: For additional financing procedures, see Section 1725A of the Charter School Law.

Fundraising Efforts:

The founders have approached the Grable Foundation and the Howard Heinz Endowment for startup funding.

Required Financial Procedures:

During the first meeting following the granting of the charter the Board of Trustees shall be presented with all assets of the charter school. The Board of Trustees will then designate what institution to deposit all funds. The initial account shall be FDIC insured.

The treasurer of the charter school shall deposit the funds belonging to the charter school in a depository approved by the board and shall at the end of each month make a report to the charter board of the amount of funds received and disbursed by him or her during the month.

All deposits of charter school funds by the charter treasurer shall be made in the name of the charter school. The Board of Trustees of a charter school shall invest charter school funds consistent with sound business practice. Authorized types of investments for charter schools shall be:

- United States Treasury bills
- Short-term obligations of the United States Government or its agencies or instrumentalities.
- Deposits in savings accounts or time deposits or share account of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or the National Credit Union Share Insurance Fund to the extent that such accounts are so insured, and for any amounts above the insured maximum,

provided that the approved collateral as provided by law therefore shall be pledged by the depository.

- Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania of any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.
- Shares of an investment company registered under the Investment Company of America Act of 1940 (54 Stat. 789, 15 U.S.C. *80a-1 et seq.) as defined in PA 24 PS4-440.1 of the Pennsylvania School Code.

Beaver Area Academic Charter School is implementing these procedures by including them in the school's bylaws, thereby instructing the treasurer to implement these policies.

Note: All Investments shall be subject to the standards set forth in PA

24PS 4-440.1 of the Pennsylvania School Code. The school treasurer shall settle his or her accounts annually with the Board of School Directors for each school year. An annual school audit shall be conducted according to the requirements of Article 24 of the School Code of 1949. Charter School Boards of Trustees shall follow requirements set forth for school boards in this section.

2. FACILITY:

The address of the Beaver Area Academic Charter School is:

Beaver Area Academic Charter School

Gypsy Glen Road

Beaver, PA 15009

The charter school will be leasing two detached portable classrooms on Beaver Area School District's secondary campus. The facility has been in use as a part of a public school and is handicap accessible. We have received verbal indications that indicate that the school district is willing to lease this facility. Utilities, custodial, and upkeep cost will be part of the lease agreement.

Liability & Insurance

We are in the process of seeking liability & emission and errors insurance. The founding coalition is in the process of securing the funds to pay for this insurance. The Community Development Fund has indicated that they will be willing to provide the initial cash flow for the charter to secure insurance and pay for professional services.

Child Accounting:

Utilizing the Powerschool software system shall complete child accounting functions. The Powerschool is capable of generating all required PDE forms. It is the intention of the charter school to comply with all PDE filing requirements.

V. IMPLEMENTATION AND ADMINISTRATION

1. RECRUITING AND MARKETING:

The charter school has already received interest from 23 students and their families. These families have indicated that if the charter is approved, they intend to enroll. The marketing plan will be focused on our website. The website will provide prospective students and their families critical information to decide if they should enroll in the Beaver Area Academic Charter School. The charter school will hire an admissions advisor to help guide students.

2. ADMISSIONS POLICY:

Students will be admitted if they complete the general process. The Beaver Area Academic Charter School will not discriminate on the basis of race, color, national or ethnic origin, age, gender, religion, disability, or because a person is disabled.

The Beaver Area Academic Charter School will annually determine the number of seats available. Students who meet admission requirements will be admitted as long as the number of qualified applicants does not exceed the number of seats. A lottery will be used to choose students if the number of qualified applicants exceeds the number of seats available.

General Process:

- Parents/Guardians, who are enrolling a student, must provide general information on registration form.
- Parents/Guardians must provide proof of residency.
- Parents/Guardians must provide all required health records.
- Parents/guardians must sign a release enabling the charter school to seek previous educational and disciplinary records.

Program Admission Guidelines:

The Board of Trustees will adopt program admission guidelines as specialized programs are developed and implemented.

3. HUMAN RESOURCE INFORMATION:

Upon the granting of the charter the Board of Trustees shall adopt a comprehensive human resource policy, which will comply with all state and federal law. Until this comprehensive policy is adopted all individuals in direct contact with students during the recruiting process shall have an official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa. C.S.

Chapter 63 subchapter C. 2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students.

These official statements shall be kept on file and will be available for inspection.

4. STUDENT CODE OF CONDUCT:

There are three levels of misbehavior. Level I consists of minor offenses that disrupt the normal operation of the school. In most cases, the teacher will handle discipline. Such offenses include but are not limited to: tardiness, class cuts, disruptive behavior in class, use of profanity or obscenity, use of forged or altered passes to class, or excuses and unsafe behavior on the school bus. A Level I offense can become a Level II offense because of the frequency infractions. Penalties for level one offense could be:

Parental conference, detention, lunch detention, removal from a class, hall pass restriction, loss of busing privileges, or in aggravated or especially offensive cases, suspensions.

Level II offenses are more serious than those found in Level I. They include such things as:

1. Truancy
2. Possession or use of tobacco on school grounds.
3. Fighting or assault
4. Theft
5. Chronic or continuing disruptive behavior
6. Disrespect and/or insubordination directed towards an administrator, teacher, counselor or school approved supervisor.

7. Cheating and plagiarism.

8. Excessive absenteeism or tardiness

Depending on the offense, students may be assigned detention, an extended detention, be required to make restitution for any damages, be suspended from school, or be removed from a class. However, a Level II offense can become a Level III offense because of the frequency of infractions.

Level III offenses are of the most serious nature. Students guilty of these offenses will be suspended from school immediately and their parents notified of the suspension. Level III offenses may include, but are not limited to the following:

1. Physical assault on any teacher or any school employee
2. Vandalism or the intentional defacing or destruction of any property
3. Storing, possessing or carrying a dangerous offensive weapon is the same as defined by the Pennsylvania Crimes Code.
4. Extortion as defined by the Pennsylvania Crimes Code.
5. Arson as defined by the Pennsylvania Crimes Code.
6. Participating in or instigating a riot, walk-out, sit-down strike or similar illegal student protest not protected by the free speech guarantees of the United States Constitution.

7. The possession of firecrackers, fireworks, or explosive materials unless in connection with a professionally supervised chemistry program or other program of study.
8. The communication of bomb threats by means of telephone, letter, note or other means.
9. Harassment by communication. This section shall cover the harassment or annoyance or threatening any student, teacher, administrator or employee of the school district by letter, telephone, or any other means of communication as a result of the offending student's school contact with the harassed or annoyed party. This section shall not cover any communication, which has a legitimate purpose.
10. Knowingly giving a false alarm.
11. A single serious offense or a series of infractions which indicate that the student does not intend to take advantage of his education opportunities or that he intends to interfere with the rights of other students to obtain an education.
12. The use of alcohol and other drugs or mood altering substances while attending school, on school grounds, while riding on school buses and/or at any school supervised or school related function is covered under this policy

A. For the purpose of this Paragraph 12, the use of any alcohol and other drugs or mood altering substances shall include the possession, use, or evidence of having used or consumed such alcohol, drugs, and/or mood altering substances, and/or substance use, transfer or distribution not controlled by Pennsylvania law. This disciplinary policy is not intended to apply to the use of tobacco products, which is addressed separately. Students charged with any such violation shall be subject to the following disciplinary actions:

1. The administration will immediately report the incident to the proper public Law enforcement authorities where there appears to be a violation of the law;
2. The principal or person in charge of the school where the offense has occurred shall provide the student with an informal hearing as required by Pennsylvania law and, if appropriate, shall suspend the student for ten(10) school days;
3. The parent(s) and the Superintendent of the district shall be immediately notified in writing of the suspension;

4. The student shall be immediately referred to the Student Assistance Program (SAP) Core Team.
5. A hearing before the Board of Directors of the school system, a committee thereof, or an examiner as selected by the board shall be conducted as required by law;
6. First-time offenders found guilty shall be excluded from school and extra-curricular activities for a period of ninety-one (91) days. A student may be allowed back into school and the extra-curricular activities prior to the end of ninety-one (91) school days under the terms of a Probationary Agreement attached as Exhibit "A";
7. Second-time offenders found guilty shall be excluded from school and extra curricular activities for one hundred and eighty-one (181) school days. A student may be allowed back into school and the extra-curricular prior to the end of ninety-one(91) school days under the terms of a

Probationary Agreement attached hereto as
Exhibit “A”;

8. Third-time (or additional) offenders shall be excluded from school and from extra-curricular activities for one hundred eighty-one (181) school days. A student may be allowed back into school and extra-curricular activities after ninety-one (91) school days but prior to the end of one hundred eighty-one (181) school days under the terms of a Probationary Agreement attached hereto as Exhibit “A”;
9. Selling, attempting to sell, transferring, distributing or attempting to distribute alcohol or other drugs, as well as any mood altering substance, regardless of whether the substance sold, distributed transferred or attempted to be sold, distributed or transferred is actually the substance represented, shall result in disciplinary actions.

- (a) All steps described in Paragraph (a)
1,2,3, and 4 shall be followed.

(b) First time offenders found guilty shall be expelled for a ,minimum of one hundred and eighty-one (181) school days, and shall be barred from participating in extra-curricular activities for the same period of time. A student may be allowed back into school after (91) school days and prior to the (181) school days under the terms of a probationary agreement attached.

(c) Second-time offenders found guilty shall be permanently expelled and shall be permanently barred from participating in extra-curricular activities.

10. Any student who comes forward and reports to a teacher or a member of the administration, his/her alcohol/drug-violation shall not be subject of punishment unless said student subsequently and separately violates the terms of the Paragraph 12.

DETENTION

Detention will be held Monday thru Thursday afternoon from 2:45PM until 3:15PM. Detention requirements are promptness, no talking, and constructive activity. All students must make up detention obligations as assigned. Failure to do so will result in the following.

1. One additional detention may be assigned for each unexcused absence from detention.
2. Students who fail to make up detention in a timely fashion will be assigned to extended detention. Repeated offenses will lead to suspension assignments and more severe disciplinary measures.
3. Student is to be given 24-hour notice.

EXTENDED DETENTION

Extended Detention - The Ext.Det. is used as a disciplinary measure for those students who are experiencing problems accepting and/or adhering to school rules. The Ext Det. provides a positive learning climate, which includes total quiet and supervised study. Failure to fulfill these requirements may result in an out of school suspension or additional days in Extended Detention. Students are required to work on assignments in the Ext. Det. Future violation of the student conduct code may result in an out-of-school suspension or expulsion. EXTENDED DETENTION WILL BE HELD FROM 2:45PM UNTIL 5:00PM.

OUT OF SCHOOL SUSPENSION

In case of an out of school suspension the student will be told not to report to school for one or more days, and parents will be notified of the decision. Also, the student will not be permitted to participate in any school activity during the period of the suspension. A parental conference may be required prior to the student's readmission to school.

Students assigned out of school suspension may request homework assignments and/or an opportunity to make up missed classroom work. However, this is the responsibility of the student. Requests may be made through the Guidance Office and all make up work, assignments or tests must be completed or submitted to the appropriate instructors within 24 hours of a student's return to school. No assignments will be accepted nor credit granted for work completed and submitted late. Students may not return to school during an out of school suspension to obtain work assignments. Assignments should be picked up in the Guidance Office by a student's parent/guardian during regular school hours.

EXPULSION

Students may be expelled from school as a result of a serious or repeated violation of school rules. A formal hearing with the Board of Trustees will precede expulsion from school.

TRANSPORTATION:

The charter school shall work with all school districts to coordinate transportation. Nonresident students shall be provided transportation under Section 1361 of the Public School Code. The school district of student residence must provide transportation to a charter school up to ten miles from its border. Special Education students who require specialized transportation will receive that service from the district of residence.

FOOD SERVICE:

A breakfast and lunch program shall be provided by SODEXHO. The CAO will determine individual students eligibility for Free or Reduced Breakfast/Lunch.

SCHOOL HEALTH SERVICES:

All required school health services would be provided by the charter school subcontracting these services. The board of trustees shall engage an agreement with a service provider after the charter is granted. The service provider must meet all state qualifications.

The most significant difference between the two applications was that the second application was truly establishing an independent and fully functional school. The charter school in this scenario was not a mere pass through for paperwork and funding but rather an independent school with multiple educational opportunities.

April 10, 2005

Letter to Larry Hanley, Executive Director Western Pennsylvania Interscholastic Athletic Association.

One of the unique problems facing our charter school was the lack of a high school athletic program for the students attending a charter school. Typically students would participate in athletics in the school district in which they reside. Unfortunately many of our students would be residing in a school district with no high school or high school athletic program. This dilemma was articulated in a letter to Larry Hanley, the executive director of the Western Pennsylvania Interscholastic Athletic Association (D. O’Neil, personal communication, April 10, 2005). The letter was based on the Pennsylvania Interscholastic Athletic Association (PIAA) Bylaws (D. O’Neil, personal communication, April 10, 2005). Our previous informal communication indicated that no one knew exactly how to handle our situation and many would be happy if the charter did not exist. The following excerpt from the letter articulates the dilemma we were facing (D. O’Neil, personal communication, April 10, 2005).

“The PIAA By-Laws states that students enrolled at a charter school are eligible to play at the charter school provided that school offers an athletic program. If no program is offered, the students attending the charter school are eligible to participate in that sport at the school they would have attended. Without the BAACS having an athletic program, the Midland students attending BAACS would only have the option of returning to East Liverpool to play. It is doubtful at best that East Liverpool and OHSA would permit such an arrangement.”

Faced with this dilemma it was our proposal that the Beaver Area Academic Charter School have an athletic program, a cross-country team, and enter into a cooperative sports

agreement for all other sports (D. O'Neil, personal communication, April 10, 2005). This arrangement was clearly permitted in the PIAA By-Laws, but was not enthusiastically embraced. We filed a membership application for the Beaver Area Academic Charter School and an application for a cooperative sports agreement with the Beaver Area School District (D. O'Neil, personal communication, April 10, 2005).

April 18, 2005

Executive Session meeting with the Beaver Area School Board

The purpose of this meeting was to field any legal questions the board may have. The board was very comfortable and made it clear that they were determined to see this through (B. White, meeting notes, April 18, 2005).

April 25, 2005

Regular Meeting of the Beaver Area School Board

The charter for the Beaver Area Academic Charter School was approved by the Beaver Area School District (Beaver Area School District, April 25, 2005). Only positive comments were made about the potential for the charter school in the future of our community (Beaver Area School District, April 25, 2005). The formal charter was signed in the days following the school board meeting. The charter is attached as appendix “D”.

April 28, 2005

Beaver County Pennsylvania Superintendents Advisory Council Meeting

I presented the Beaver Area Academic Charter School to the Beaver County Superintendents. I anticipated a very confrontational meeting and the possibility of a threat of litigation. Our attorney, Robert O’Donnell, was concerned that by presenting I could be drawn into some questions that may give some legal ammunition to future litigation. I was determined to speak to the superintendents and attempt to have them consider the positive possibilities rather than the negatives. The meeting was very cordial. I put them at ease when I began by announcing that we would have a non-district student capacity of 35 students during the first year. (B. White, meeting notes, April 28, 2005) **The** superintendents were even more optimistic when I described the Core Education program that could possibly provide educational services to students that they may be sending to alternative education facilities. (B. White, meeting notes, April 28, 2005)

I then presented the possibility of a countywide charter school that would allow students to engage in school choice. (B. White, meeting notes, April 28, 2005) The group became

very concerned. I then passed out a spreadsheet that showed that if a lot of the students in the Beaver County Vocational Technical School were enrolled in a charter school that we would receive almost \$1.2 million in new funding. (B. White, meeting notes, April 28, 2005) The group wasn't convinced However they agreed to more research and future debate on the issue. (B. White, meeting notes, April 28, 2005) **The** meeting ended very positively and with no threats of litigation. (B. White, meeting notes, April 28, 2005)

April 29, 2005

Communication from the Pennsylvania Department of Education

The Pennsylvania Department of Education informed us that the implementation grant for the Beaver Area Academic Charter School had been approved for the requested amount of \$194,983 (D. Felix, personal communication, April 29, 2005). These funds were used for salaries, benefits, materials equipment, advertising and legal fees to help start the charter school.

May 12, 2005

Meeting of the Western Pennsylvania Interscholastic Athletic League Board of Control

On May 12, 2005, the Western Pennsylvania Interscholastic Athletic League tabled the membership of the Beaver Area Academic Charter School and the Cooperative Sports agreement. The reason cited was the charter school was not established and functional (L. Hanley, personal communication, May 12, 2005).

The reason cited was inaccurate. The charter school had been established and was approved to be operational by the next sports season. We immediately contacted the Western Pennsylvania Interscholastic Athletic League to challenge the decision.

May 31, 2005

Beaver Area Academic Charter School Board of Trustees Meeting

The first meeting of the Board of Trustees for the Beaver Area Academic Charter School was an eventful occasion. Not only were we celebrating the approval of the charter school we were now creating a functioning school from scratch. This was an enormous undertaking that would take months. The agenda from the first meeting is below. Important action items from later meetings are listed following the first agenda (Beaver Area Academic Charter School, May 31, 2005).

**Beaver Area Academic Charter School
Agenda
May 31, 2005**

1. Call to order.
2. Appoint Vic Raskovsky take minutes at this Board meetings
3. Note time, place and those present.
4. Note that a Sunshine Notice of the meeting was published and attach proof of publication to the minutes.
5. Note that Brian has ascertained a consensus of the founding coalition (himself, D. O'Neil and D. Taormina) and that as incorporator and consistent with that consensus and section III (2) of the application he appoints as directors:
Dr. Curt Feldmeier
Mrs. Pam Kuhns
Mrs. Michele O'Farrell
6. Directors sign Oath of Office (attached).
7. Adopt By-Laws.
8. Elect Officers: (President can then preside).

9. Ratify and adopt previous actions:
 - Actions of incorporator.
 - a) incorporation
 - b) engage Robert W. O'Donnell for legal services.
 - Actions previously taken on behalf of school.
 - a) application for charter
 - b) application for implementation grant
 - c) application to PIAA and WPIAL for membership and Cooperative sponsorship.
 - d) application for Employer Identification Number
10. Authorize Bonding for Treasurer.
11. Authorize Insurance – General Liability & D&O.
12. Adopt Resolution to borrow on terms described. Attach term sheet to minutes or clearly state the terms for the minutes. Authorize agent to execute loan documents.
13. Other actions to be taken:
 - a) Establish bank accounts
 - b) Set deadline for student applications as June 17, 2005
 - c) Convert all student enrollment pre-applications to regular applications.
 - d) Appoint Brian White Interim Chief Administrative Officer
 - e) Direct the CAO to complete and submit all items required by the Pennsylvania Department of Education.
 - f) Authorize the President to sign all documents required by the Pennsylvania Department of Education
14. Authorize the Chief Administrative Officer to take contemplated action required before next board meeting.
15. The charter school corporation will be a public entity from now on and the Sunshine Act and the Ethics Act cover the Board.
 - Distribute Directors' Duties memo, Statements of Financial Interest and Ethics booklets (attached).
 - Discuss Ethics and Board duties
 - How to conduct a meeting
 - Agenda format – Decisions in Caps
 - Need to do business by motion – exact wording necessary for minutes.
16. Set regular meeting schedule and authorize Sunshine Act publication and posting.

17. Set up Sunshine, Agenda, Minutes system (See 2 above).
18. Other business
19. Adjourn

Other critical items that were addressed over the next months to create the charter school included:

- Register with PSERS
- Open Penn*Link Account
- Completed Tax Exempt Certificate
- Register with e_PDE Web Portal
- Join Pennsylvania Coalition of Charter Schools
- Establish bank accounts for the general fund and payroll at Citizens Bank. (Beaver Area Academic Charter School, June, 2005)
- Create the position of *Teacher/Adjunct Teacher* (Beaver Area Academic Charter School , June, 2005)
- Create the position of *Operations Director*. (Beaver Area Academic Charter School , June, 2005)
- Adopt graduation requirements. (Beaver Area Academic Charter School , June, 2005)
- Authorize the CAO to negotiate enhanced instructional services and special education services from other local education agencies including intermediate units and school districts. (Beaver Area Academic Charter School, June, 2005)
- Ratify submission of EIN to Pennsylvania Department of Education (Beaver Area Academic Charter School, June, 2005)

- Ratify submission of implementation grant contract to Pennsylvania Department of Education. (Beaver Area Academic Charter School, June, 2005)
- Draft a cafeteria service agreement. (Beaver Area Academic Charter School, August, 2005)
- Produce an employee handbook. (Beaver Area Academic Charter School, August, 2005)
- Authorize the master agreement between the Beaver Area Academic Charter School and the Commonwealth of Pennsylvania. (Beaver Area Academic Charter School, August, 2005)
- Hire a principal and staff. (Beaver Area Academic Charter School, September, 2005)
- Acquire supplies, equipment as outlined in the Pennsylvania Department of Education Implementation Grant as funds are received. (Beaver Area Academic Charter School, September, 2005)
- Adopt Sexual Harassment Policy #448(Beaver Area Academic Charter School, November, 2005)
- Adopt Non Discrimination in employment/contract practices #104(November, 2005)
- Adopt Technology Policy (Beaver Area Academic Charter School, November, 2005)
- Adopt Workmen's Compensation Policy (Beaver Area Academic Charter School, November, 2005)
- Set application period for new students in grades 9-12 from January 3, 2005 to January 31, 2006. This will be posted on our website. (Beaver Area Academic Charter School, November, 2005)

- Adopt policy #225 Titled *Students and the Police*. (Beaver Area Academic Charter School, May, 2006)
- Adopt special education policies and procedure guidelines. (Beaver Area Academic Charter School, May, 2006)
- Accept audit proposal from Cottrill, Arbutina and Associates @ \$6,000 (Beaver Area Academic Charter School, May, 2006)

June 23, 2005

Meeting of the Western Pennsylvania Interscholastic Athletic League Board of Control

At this meeting of the Western Pennsylvania Interscholastic Athletic League Board of Control the membership for the Beaver Area Academic Charter School and the Cooperative Sports Agreement with the Beaver Area School District were approved (L. Hanley, personal communication, June 23, 2005).

July 2005

Creation of Service Agreements between the Beaver Area Academic Charter School and the Beaver Area School District.

The Beaver Area Academic Charter School and the Beaver Area School District have a unique and innovative relationship. Both educational entities are equals. The Beaver Area Academic Charter School replaced some services previously provided by the Beaver Area School District. Both entities are enjoying the benefits of sharing services. The existence of this innovative relationship benefits students in Beaver County, Pennsylvania.

Both entities are equal local education agencies. The Beaver Area School District did grant the charter and review the performance of the charter school but the charter school has significant freedom and independence. The separation and independence make the

relationship innovative in that one entity does not serve another but rather both exist to serve students.

When the charter was granted to the Beaver Area Academic Charter School, the Beaver Area School District discontinued its alternative education program. This program had been an effective way of providing an educational setting to maintain the order of the high school but was an expensive academic failure. The Beaver Area Academic Charter School would reinvent this program and make it the central component of the charter school.

The Beaver Area School District had some extra capacity in critical areas. This extra capacity was not enough for reduction of staff but it was enough for outsourcing to provide service to the Beaver Area Academic Charter School. Although reference is made to a partnership throughout this dissertation there is no formal partnership. Rather, a series of service agreements define the business and instructional relationship between the two entities. These service agreements include administrative services, business operations, instructional services, leasing of facilities and special education. A copy of the instructional service agreement has been attached as appendix “E”. The Beaver Area School District is able to generate revenue by selling surplus capacity and the Beaver Area Academic Charter School is able to acquire services for below the cost of providing them independently.

This relationship allows the majority of revenue generated by the charter school to be focused on improving instruction and learning for students. Efficiencies in this relationship have not resulted in higher salaries for any administrators. The primary beneficiary has been students who have participated in innovative learning environments that would not have been possible without this relationship.

July 2005

Creation of Academic Programs

The creation of the charter school as a completely independent entity confused many parents, students and faculty. It was decided that we should create three academic programs within the charter school. The three academic programs would each have simplistic descriptions that would help parents and students decide if one of these options was for them. Although this was primarily a marketing task it was important that the academic program descriptions reinforce the independence and legality of the charter school. The three academic programs were: The Academic Recovery Program, The Core Education Program and the Enhanced Academic Program. A description of each of these programs is below.

Academic Recovery Program:

The Academic Recovery program is designed for students who have not been successful in a traditional school setting. All students receive instruction in the four core subject areas of English, Math, Social Studies, and Science. All students will participate in an engaging wilderness and service-learning program that is intended to build self-esteem, develop self-respect and teach students to work collaboratively. Students will also utilize Art as a form of self-expression.

Core Education Program:

The Core Education Program is designed to deliver focused instruction in the core subject areas of English, Math, Social Studies, and Science. All students also receive

physical education instruction and exposure to arts & humanities electives. This is a full day program.

Enhanced Academic Program:

The Enhanced Academic Program is designed for students who academically exceed the level of curriculum and instruction provided in the Core Education Program. Students entering the Core Education program must demonstrate academic proficiency or demonstrate excellence in a specific area of talent. Students in this program are provided support and advising services from the Beaver Area Academic Charter School. Instructional Services are provided by other Local Education Agencies including Beaver Area School District and the Community College of Beaver County.

August 24, 2005

The first day of School

On August 24, 2005 the Beaver Area Academic Charter School Began operation with 35 students from 5 school districts including Beaver Area School District, Beaver Falls School District, Midland Borough School District, Freedom School District, Hopewell Area School District and Southside Area School District.

2005 – 2006 School Year

Summary of Operations

The prediction that the majority of student enrollments for the Beaver Area Academic Charter School would be from the Beaver Area School District and the Midland Borough School District was accurate (Beaver Area Academic Charter School, invoices, September, 2005). Additional students enrolled from Big Beaver Falls School District,

Freedom School District, Hopewell School District, Southside School District, and Western Beaver County School District (Beaver Area Academic Charter School, invoices, September, 2005).

There are 47 students enrolled in Beaver Area Academic Charter School. Thirty-one of them are enrolled in the Enhanced Academic Program (Beaver Area Academic Charter School, enrollment report, June 2005). This program is for students who have the academic background to be engaged in a rigorous academic program. Eight are enrolled in the Academic Recovery Program (Beaver Area Academic Charter School, enrollment report, June 2005). This program is designed for students who were not successful in a traditional school setting. They receive instruction in the core subjects and participate in the wilderness and service learning component gear specifically for building self-esteem. Eight students are enrolled in the Core Education Program (Beaver Area Academic Charter School, enrollment report, June 2005). This program provides the students instruction in the core subjects, physical education and exposure to arts and humanities electives. There are five students enrolled at the Beaver Area Academic Charter School who are classified as Special Education students (Beaver Area Academic Charter School, invoices, June, 2005).

These Special Education students' individual education plan needs are met through our academic programs. Twenty-one of our students are boys and Twenty-six are girls. 25.50% of the students are Black, 74.48% are White and .02% is Hispanic (Beaver Area Academic Charter School, enrollment report, June 2005).

The following excerpt from the charter school annual report describes the academic performance of the students during the first year of operation (Beaver Area Academic Charter School, 2006).

The majority of the students' grade point averages fall in the median range. The remaining students fall in the high and low end with the high end however containing most of those students. (1.5 1.7 1.9 1.9 2.0 2.0 2.1 2.2 2.2 2.3 2.4 2.5 2.6 2.7 2.7 2.9 2.9 3.0 3.0 3.0 3.2 3.4 3.6 3.6 3.7 3.7 3.8 3.9 3.9 3.9 3.9) This is the range of the grade point averages of the students enrolled in the Enhanced Academic Program. The students were recently tested using the Scantron Performance Series. This is a testing and assessment tool that helps to identify the strengths and weaknesses of students. Once their areas of concerns are identified, the program enables the faculty to create specific study guides and tests for the students. When a diagnostic test report was conducted on our students' performance the scores ranged from 35-98 in the National Percentile Ranking.

The need for this charter school is based on a lack of academic opportunities for individual students. Students seeking, without success, opportunities in school-to-work, academics, elective programs, and the arts, have demonstrated the lack of academic opportunities and the need for a charter school. Students' needs have been met by participating in our enhanced academics program and our academic recovery program.

The mission of the *Beaver Area Academic Charter School* is to provide students with individualized academic opportunities based on their needs and abilities (White, 2006).

The vision of the Beaver Area Academic Charter School is a school focused on delivering educational services that are based on the needs of the students (White, 2006).

Students will demonstrate core academic skills by succeeding in the following challenging and academically rigorous courses.

- All students will be required to take a minimum of Algebra I, Geometry and Algebra II. (White, 2006)
- All students will be required to take 3 credits of a science. (White, 2006)
- All students will be required to take 4 credits of social studies. (White, 2006)
- All students will be required to take 4 credits of English. (White, 2006)

The students graduating from the Beaver Area Academic Charter School will be demonstrate that they have fulfilled the definition of the graduate by showing competency as an individual, thinker, learner, citizen, worker and communicator. (White, 2006)

This will be demonstrated by achieving the following objectives: (Beaver Area School District, 1994)

- All students will participate in a mentoring program.
- All students will maintain a portfolio.
- All students will have a career plan as part of their portfolio.
- All students will complete the Keys 2 Work assessment.
- All students will place artifacts and reflections in their portfolio that demonstrate that they are individuals, thinkers, learners, citizens, workers and communicators.

The strength of the Beaver Area Academic Charter School is the ability to customize instruction to the needs of the individual learner. The use of individual learning plans in conjunction with the Scantron Performance Series allows school personnel to adjust frequently the curriculum, instruction and support.

The following excerpt is part of the 2005-2006 annual reports and describes some of the instructional innovations at the Beaver Area Academic Charter School (Beaver Area Academic Charter School, 2006).

The academic program is very innovative. It blends cyber education with traditional courses and provides the opportunity for students to develop as citizens and leaders in our wilderness program and allows students to develop a positive way of expressing themselves through an art program.

The wilderness program engages the students in hiking, climbing, rappelling and spelunking. In addition to these outdoor skills the students learn to be guides for elementary age students from around the region. Students and parents have commented that this may be the most life-changing educational program that their students have been involved with.

The Beaver Area Academic Charter School has recently added art as an elective for the Core Education program. Hands on studio activities such as drawing, sculpting with clay, and collage were introduced during the last semester. In addition, the students devoted many weeks to preparing and painting large sets for the Beaver Area High School musical. We also recently ventured to the Andy Warhol Museum in Pittsburgh for a day of Pop Art history. Most of our students have never experienced the cultural side of Pittsburgh and found it to be exciting and fresh.

Most importantly, the instructors of the Core Ed program have found that the students' involvement with art has provided them with a strong sense of gratification. Our students endure emotional tensions and strains on a daily basis.

The greatest challenge is the deficiency in core skills and varying work ethic from students coming from seven school districts. The staff will need to continue to design ways to address core skills. A second challenge is the mental and social health of the students served. This challenge has been actively engaged in the Art and Wilderness programs. However, we will need to continue to be cognizant of the mental health needs of our students.

The 2005-2006 school year has ended with Beaver Area Academic Charter School graduating its first class of six seniors. Additionally the charter school projected enrollment for the 2006-2007 school year is growing and the academic programs continue to expand.

Internal Perspectives on Charter School and Public School District Partnerships

Millcreek Township School District & The Pennsylvania Global Academy Charter School

The researcher had intended to interview the chief executive officer of the Pennsylvania Global Academy Charter School or the superintendent of the Millcreek Township School District to discuss the partnership that existed between those two entities. Unfortunately the Pennsylvania Global Academy Charter closed at the end of the 2004-2005 school year and both administrators have retired and are unavailable. Therefore, the data regarding this charter school and public school are derived from an interview with Dr. Kenneth Borland, Director of Administrative Services, at the Millcreek Township School District. In addition to being an administrator at the Millcreek Township school District, Dr. Borland also served as a member of the Board of Trustees for the Pennsylvania Global

Academy Charter School. The data are supplemented with information from public documents and newspaper reports.

Dr. Borland was asked “What was the benefit or attraction for students to attend the Pennsylvania Global Academy Charter School? He indicated it was the outstanding programs and facilities. Those programs were listed in the application to create the Pennsylvania Global Academy Charter School. They included:

- Elementary Gifted Magnet
- Regular K-12 program
- Cyber Assisted Instruction
- Manufacturing and Commerce
- High School Performing Arts
- College Preparation High School
- High School Fitness and Sports
- Middle School Science & Technology
- Montessori Education
- McMac Academy
- On the Job Training Program
- Vocational Technical Training
- School within a School Program
- Other Alternative Opportunities
- North Coast School

Dr. Borland was asked “Why was the Pennsylvania Global Academy Charter School created?” He indicated that the Pennsylvania Global Academy Charter School was created as a reaction to the creation of the Collegiate Academy by the Erie City School District. The hope was to attract Erie City School District students to fill the seats vacated by Millcreek students who chose to attend the Collegiate Academy.

Dr. Borland was asked “Did the close relationship between the Pennsylvania Global Academy Charter School and Millcreek Township school district contribute to its closure?” He indicated that the closure really was made for financial reasons and that independence was something that had grown from the charter school inception until it was a completely

autonomous entity. He indicated that the financial burden caused by Millcreek Township School District students attending the Collegiate Academy and the cost to Erie School District for students attending the Pennsylvania Global Academy Charter School caused both parties to come to an agreement.

According to the Times-News of Erie Pennsylvania during the last year of operation the Millcreek School District paid the Erie Collegiate Academy Charter School \$877,000 and Erie City School District paid Millcreek's Pennsylvania Global Academy Charter School \$1.6 million.

The closure of the charter schools did not end school choice in these two school districts. Instead the compromise between the two school districts was to allow school choice but restrict the number of students so the expenses would be offsetting in a tuition agreement directly between the school districts that eliminated the charter schools.

Midland Borough School District and Pennsylvania Cyber Charter School and Lincoln Park Performing Arts Charter School

Dr. Nick Trombetta serves as the superintendent of Midland Borough School District, chief executive of the Pennsylvania Cyber Charter School and was the founder of the Lincoln Park Performing Arts Charter School.

The Pennsylvania Cyber Charter School began operations in 2000-2001 school year. Dr. Trombetta anticipates an enrollment of over 6,000 students for 2006-2007 school year. The Lincoln Park Performing Arts Charter School began operations of a pre-kindergarten program in 2005-2006. The Lincoln Park program will expand to grades nine through

twelve during the 2006-2007 school year. . Dr. Tombetta's responses to questions posed by this writer regarding the various partnerships are below.

How many years has the local education agency been in partnership with a public school district/charter school?

Seven Years

Who initiated the partnership?

Myself (Dr. Nick Trombetta)

What is the benefit of being in partnership with a public school district/charter school?

The main benefit of our partnership is that it created options for resident students that they never thought were possible.

Has your partnership allowed your LEA to consolidate any operations?

Yes, we now share services through the National Network of Digital Schools. (The National Network of Digital Schools, which was created by Dr. Trombetta to facilitate the sharing of services, provides services to both entities. The National Network of Digital Schools provides curriculum services, building and construction services, accounting services, leadership development, marketing and communications, professional development services, student assistance services and technology services.)

Does either agency in partnership utilize employees represented by organized labor?

Yes

Did the employees react favorably or negatively to the partnership?

Positively. Mainly because they were the initial beneficiaries of the partnership financially.

The partnership has created many opportunities supplemental income.

What are the current employee perceptions of the partnership?

Still very positive. Many have relatives that are now part of the organizations so they want it to be very successful.

Did the members of the board react favorably or negatively to the partnership?

They reacted positively because of the financial benefits they saw.

Do you believe that the partnership accomplishes what it was intended to do?

Yes

What is the financial benefit of the partnership to your LEA?

It provided jobs and has revived the town. (Midland, Pennsylvania)

What is the benefit to students in your LEA?

A charter school working with a public school district allowed us to be creative while we knew what a school should be doing. This has been a problem for many other cyber charters who are managed by for profit companies.

Do you plan to continue your partnership?

Yes

Will your partnership be expanded?

Our partnerships will be expanded nationally to include other school districts and unique opportunities such as working with the military.

Would you recommend other school district and charter schools to create partnerships? If yes why?

Yes, because this is the future. I would encourage those considering a partnership to take a full year to discuss it another year to plan it then begin. This is what we did for each new major project like the Lincoln Performing Arts Center.

Beaver Area School District and the Beaver Area Academic Charter School.

Dr. John Hansen serves as the superintendent of the Beaver Area School District. The Beaver Area School District has a projected enrollment of 2118 for 2006-2007 school year. As previously cited the school district has had decreasing student enrollments. Dr.

Hansen's responses to questions posed by this writer regarding the school districts partnership with the Beaver Area Academic Charter School are below.

How many years has the local education agency been in partnership with a public school district/charter school?

We have been in partnership with Charter School for one year.

Who initiated the partnership?

The CAO of the Charter School initiated the partnership.

What is the benefit of being in partnership with a public school district/charter school?

Our student population has been declining for several years and we are finding it difficult to continue offering a diverse curriculum that can meet the needs of our students. The Charter School partnership is reversing this trend and allowing us to continue to offer a strong and diverse curriculum.

Has your partnership allowed your LEA to consolidate any operations?

Yes, we have consolidated our alternative program with the Charter School and we have entered into a sports agreement with the Charter School.

Does either agency in partnership utilize employees represented by organized labor?

Yes, the school district has recognized the Beaver Area Education Association for many years.

Did the employees participate in the creation of the partnership?

No, although they were consulted before the partnership was officially formed.

Did the employees react favorably or negatively to the partnership?

Generally, Yes, because they see this partnership as a way to save some teaching positions and to save some valuable elective programs in the district.

What are the current employee perceptions of the partnership?

The current employees view the partnership as a benefit for the district and its students. They view it as a method to stabilize the student population.

Do any benefits exist for employees as a result of the partnership?

Yes, this partnership will save some teaching positions in the district because it is stabilizing the student population

Did members of the Board of the agency participate in the creation of the partnership?

Yes, the Board approved the initial charter school application.

Did the members of the board react favorably or negatively to the partnership?

The Board is very positive about the partnership because they believe it will help stabilize and even increase the student population in the district.

What are the board perceptions of the partnership?

They view the partnership as a method to recruit more students to our district.

Do you believe that the partnership accomplishes what it was intended to do?

Yes, the partnership is stabilizing our student population and it is allowing students from other districts increased alternatives for their high school education.

What is the financial benefit of the partnership to your LEA?

The partnership has increased revenue for the district and is helping to meet our rising costs while limiting our millage increases for local residents.

What is the benefit to students in your LEA?

The partnership benefits our students by allowing us to keep some valuable elective programs and by allowing us to continue to offer a strong and diverse curriculum.

Do you plan to continue your partnership?

Yes!

Will your partnership be expanded, if yes how?

Yes, we plan to open an elementary program that is focused on the Montessori approach to education.

Would you recommend other school district and charter schools to create partnerships? If yes why?

Yes, I would recommend that other school districts explore this type of partnership because it enhances choice in education. It also would allow district with declining enrollments to stabilize their student populations.

Chapter 5

Data Analysis and Ramifications to Others

Data Analysis and Ramifications to Others

The data show that developing a partnership between a charter school and public district requires careful planning and specialized legal assistance. Benefits to the charter school and public school district in the partnership are confirmed in the data as well as detriment to neighboring school districts.

The Beaver Area Academic Charter School was formally proposed in November of 2004 and approved in April of 2005. This process was relatively smooth compared to other charter school applications. The charter application processes in the Commonwealth of Pennsylvania lack clear guidance for the applicants, thus vary from school district to school district. A lack of guidance necessitates that a founding coalition hoping to create a new charter school have specialized legal assistance.

The data indicate that a charter school must be truly independent of the school district. Additionally the Basic Education Circulars regarding charter schools provide that clear separation must be maintained not only in governance but in physical space as well. The data show that partnerships can exist between charter schools and public school districts but they must have independence and separation from each other. The data also show that instructional services can be shared and purchased between charter schools and school districts. The data show that a partnership between a charter school and public school district can generate higher enrollments, more financial resources and the opportunity to innovate academic programs.

The litigation and closure of Pennsylvania Global Academy Charter School show that the impact of a charter school on a neighboring school district can be enormously negative. Furthermore the initial escalation of school choice between the Erie School District and Millcreek Township School District demonstrates impact on local school districts and may provide a glimpse of the future of public education in an era of school choice.

The implications of this study for other educators in Pennsylvania can be divided into two themes: (1) Ramifications for those planning to create a charter school partnership with a public school district. And (2) Ramifications of the benefits, possibilities and consequences of charter school and public school partnerships operating in Pennsylvania.

Creation

Those planning to create a charter school and public school partnership must carefully consider and plan to create a charter school as a truly independent public school. This independence must be established in governance, physical space and educational programs. The issue of independence has been the critical difference between legally successful partnerships and legally unsuccessful partnerships.

The governance of a charter school must be truly independent of the school district in partnership with the charter school. Pennsylvania law prohibits board members of the school district granting the charter to be members of the charter school board of trustees. To provide a clear public perception of independence, the charter school board should be free of anyone who may be considered a subordinate or employee of the school board.

The administration of the charter schools by personnel shared by the school district and charter school has been a commonality of both the successful and unsuccessful partnerships. The implication for both entities is that this creates an efficiency by sharing the cost of administrative overhead.

The charter school must also have clearly separable instructional space. The Basic Education Circular on charter schools speaks to this. However, merely designating space is only the first step. The charter school must truly have the right to utilize that space in ways that may be different than conceived of by the school district's leadership. Additionally, one has to be creative and realize that instruction in the charter school should engage innovative ideas and strategies that may not conform to traditional instructional beliefs.

The educational programs can be unique and innovative because of the freedom provided in the charter school law. Additionally having personnel employed by the charter school rather than the school district allows flexibility that may not be possible with most teacher collective bargaining agreements.

Independence is key to a successful charter school and a partnership with public school. The ideal essence of independence would begin at conception. If possible those planning a charter school should form a design team that is truly independent of the local school board.

The ramifications to students, parents and educators of charter school and public school partnerships are expansive. The ramifications include benefits such as opportunities for students and financial benefits for the school district and charter school.

Benefits include possibilities such as the creation of specialized programs, school and school district consolidation, and innovative operations. Consequences as a result of

partnerships include financial hardships for neighboring school districts, school closures and a lack of student resiliency.

Benefits

Opportunities for parents and students

The opportunities for students are profound. Parents would have the opportunity to choose schools that are successful and perform high academically. Parents can choose a school that is a safe and nurturing environment. Parents can seek a school that curriculum meets the specific needs of their child. Choice allows a new level of discretion and responsibility for parents.

All public schools in Pennsylvania must participate in state assessments to measure academic achievement. The results of these exams are publicly reported. In addition, the *No Child Left Behind Act* identifies struggling failing schools. School choice allows parents to have their child educated in a school that has success in attaining academic achievement.

Bullying and violence have plagued the youth of America. Bullying and violence are often not a result of the school itself but rather community relationships and unaddressed aggressive activities. Many critics believe schools should do more to address this behavior. Additionally it will force school districts to address aggressive and inappropriate behavior. Some hope that charter schools will address these issues more effectively than how traditional public schools have been perceived to respond.

Curriculum varies significantly from school district to school district. Of the fifteen school districts in Beaver County only one has an orchestra. Less than half have 4 or more

Advanced Placement courses. Parents could become selective and choose schools that truly have the academic programs that address the areas of interest and talent for their child.

Choice provided by a partnership between a charter school and a public school can be a profound and life changing opportunity for a child who is being educated in a violent and/or academically failing school. The opportunity to experience success particularly in a curriculum that meets the child's individual needs could dramatically change that individual student's life.

Financial Benefits

The financial benefits to a school district and charter school in partnerships can be staggering. By forming a partnership both entities enjoy the benefits of economies of scale. The financial revenues and shared resources can benefit all students and taxpayers. In an era of shrinking resources and increasing costs the financial benefits of partnership cannot be ignored. In addition to local resources the state and charitable foundations also provide significant financial support. Charitable foundations provided \$20,000 in initial funding, the state provided an implementation grant of \$195,000.

Possibilities

Specialized Programs

The development of high quality specialized programs has been a challenge for schools in Pennsylvania. The freedom of choice will provide school districts and charter schools the opportunity and impetus to develop highly specialized programs. Identifying and recruiting students with similar interests will allow for viable programs. Specialized programs will enable students to engage in programs that meet their individual needs.

Having 501 school districts in the Commonwealth of Pennsylvania creates an environment of many small school districts without the resources to develop specialized academic programs. The magnet school movement during the 1980's in Pennsylvania did develop very specialized academic programs. However, this movement was confined to large school districts. The idea of developing specialized programs and sharing resources and students in the majority of school districts was limited to special education programs, vocational programs and alternative education programs. Charter schools and public school districts working in partnership can create viable enrollments to support these specialized academic programs.

Enrollments in these programs will be increased by allowing school choice which will allow students who reside in different school districts to enroll in one common specialized program. With a combined enrollment a specialized program could be fiscally justified. This opportunity will allow students to experience educational opportunities that would not be possible in a single, small school district.

The need for specialized programs, particularly in math and science, is a national concern. We as a nation continue to graduate fewer students from the universities with math and science degrees. Developing specialized academic programs to challenge our brightest students will benefit our entire society not just these students.

Although the benefits could be profound the most important benefit is to the individual student. Allowing students to engage in programs that are specifically designed for a content area or talent that they wish to develop will allow the student to experience more rigor and challenge than may have been possible in a small and isolated school.

Innovative Operations

The creation of a partnership between a public school district and a charter school requires both entities to determine what services and resources that they would like to share. Academically this allows the opportunity for programs that may not have otherwise been conceived. Administrative operations can be shared and both entities can be more efficient. Underutilized resources can be engaged for the benefit of both entities. A partnership between a charter school and a public school district allows both entities to benefit from economies of scale.

As described in the section on specialized academic programs, charter schools and public school districts can develop highly academic specialized programs. Additionally they can develop broad based programs for the benefit of all students. One of the initial broad based program ideas for the Beaver Area Academic Charter School and the Beaver Area School District was the development of a digital learning program. A description of this proposed program is below.

“Digital Learning Credits will be a mixture of online and traditional classroom courses. Every student in the charter school would be required to earn four credits in digital learning. One credit must be earned each year. In the first year this will be accomplished by an online course developed by our staff. This course will teach the students how to take online and digital learning courses. The majority of this course will be online.

The Digital Learning Courses will have two pathways: one will be for students intending to join the workforce or continue in trade school, and the second pathway will be for college-bound students. All students will have the same initial class, which was

previously mentioned that would teach students how to take online and digital learning courses. The cost of these courses will be in the form of supplemental contracts to faculty” (B.White, personal communication, December 17, 2004).

The digital learning program is something that the Beaver Area School District does not have the resources to begin on its own. In partnership with the Beaver Area Academic Charter School it is a viable proposal that is being reviewed.

As previously cited the Beaver Area School District alternative education program was not addressing the needs of the students it served. The Beaver Area School District closed its alternative education program and the Beaver Area Academic Charter School created an innovative program to address the needs of students who had been unsuccessful in school for attendance, apathy and personal issues. The program became known as the Academic Recovery Program and the Core Education program.

The core academic program is focused on academics with an emphasis on reading, math and science. The students also have the opportunity to develop citizenship and leadership skills through an experienced based wilderness program. In this program students are trained in hiking, repelling and rock climbing. As the students skills progress, they become guides for local elementary school students that take wilderness trips to state parks. Additionally the students are taught how to express themselves through a visual art program. The entire program helps build the self-esteem of students by allowing students to experience success and positive validation.

Administrative operations such as payroll, budgeting, accounting, and personnel can be shared operations that reduce the cost to both entities. The Beaver Area Academic

Charter School has been extremely efficient in reducing administrative overhead costs by contracting administrative services, business services and special education services from the Beaver Area School District. This allows for more funds to be focused on instruction and program development.

Another operational benefit of a partnership between a charter school and public school district is the utilization of unused or underused resources. For example, a charter school can lease vacant classrooms, buildings and instructional fixtures. Additionally a charter school can contract for the services of underutilized faculty and staff. All of these opportunities provide savings to both entities. The school district has the opportunity to generate revenue and the charter school often gets resources far below the market costs.

Innovative operations between a charter school and public school district can generate academic and financial benefits to both entities.

Consequences

Financial

The financial impact to school districts neighboring a charter school in partnership with another school district can be devastating. The cost of the student attending a charter school is paid for by the school district of residence of the child. The decreased enrollment may not reduce costs for the school district of residence. The impact of a charter school and a public school partnership to neighboring schools districts can be very detrimental to most school districts.

The cost of sending a student to a charter school is based on the expenses paid by a school district for its regular operations. In Pennsylvania this is determined by a school district completing the Pennsylvania Department of Education Form number 363. During

the 2005-2006 school year, the average payment to the Beaver Area Academic Charter School was \$6,600 per child. If a neighboring school district had 20 students enrolled in the Beaver Area Academic Charter School it would cost them \$132,000. In addition to tuition the school district of residence has to provide transportation, which approximately costs \$100 per day or \$18,000 per school year.

If the students were evenly divided in grades 9-12 that means only 5 students would be leaving the school district of residence. It would be very unlikely that losing only five students in any one grade would allow the school district of residence to reduce expenditures. That means the entirety of the charter school payment and transportation is a new expense.

According to the Pennsylvania Department of Education all public school districts in the Commonwealth made combined payments of \$458,189,672 to charter schools during the 2005-2006 school year. The costs to school districts will continue to grow as more parents elect school choice options for their children. If a large number of students reside in one school district the impact can be magnified and force that school district into difficult decisions which may include programmatic cuts or considering consolidation with another school district.

A positive financial consequence is not the norm but it is what has happened to the Midland Borough School District. By sending almost all high school students to charter schools and not operating a high school the Midland Borough School District has been able to reduce expenditures, have lower taxes and have a variety of educational opportunities for their students. Other small school districts that find the cost of operating an independent high school of their own too expensive may consider this model.

Student Resiliency

One of the consequences of charter schools and school choice that I believe impacts a small group of students is not learning resilience. Resiliency is an important developmental skill. School choice allows students to escape adversity. Educators must be careful to understand why students are switching schools. To develop the whole child we must teach and instill resiliency in our students.

According to *Resiliency in Action* “Resiliency is the ability to spring back from and successfully adapt to adversity. An increasing body of research from the fields of psychology, psychiatry, and sociology is showing that most people—including young people—can bounce back from risks, stress, crises, and trauma and experience life success.” This is a critical skill for students to develop.

School choice creates the possibility for a student, with parent permission to choose the path of least resistance. The adversity could be academic, social or behavioral. I have had the experience with one student who attended three cyber charter schools within one academic year. Allowing consumerism to govern educational placement can be challenge to developing resiliency.

Educators must be careful to understand why a student and parent want to choose a new school. More and more charter schools are requiring students to participate in an interview that helps the educator understand the needs and motives of the student and parent. Currently educators at charter schools having little authority to deny admission to a student who has been bouncing between schools. School choice is a powerful vehicle for parents to engage their child in the most appropriate education. Parents need to be educated on the importance of resiliency and balance that developmental task with academic opportunities.

Engaging the Future

The educational environment in Pennsylvania currently is and will continue to be competitive. Public school districts in Pennsylvania will need to be innovative to remain viable in this environment. I predict that school choice will continue to grow. Partnerships between charter schools and public schools are one strategy for public school districts to succeed in this era of school choice.

I believe that charter school enrollments will continue to rise and I believe other forms of school choice will be created. The consistent growth of the number of charter schools in Pennsylvania and the continued enrollment growth in those charter schools are evidence of this trend. Charter schools continue to create new programs designed to attract students. I also believe that tuition vouchers will eventually become another vehicle of school choice.

Partnerships between public schools districts and charter schools will allow school districts to be competitive in recruiting students. The use of charter schools will allow for academic program innovations not possible in public school districts. The creation of these partnerships will provide new resources for the school district and will ultimately benefit students by providing resources for academic programs.

The charter school will create a laboratory for innovations to learning for the 21st century. A charter school will allow for creativity and the opportunity to pilot programs and instructional techniques to revolutionize learning. The use of the charter school as a laboratory for innovation is already happening at the Beaver Area Academic Charter School.

During 2006-2007 school year students enrolled in the Core Education program of the Beaver Area Academic Charter School are engaged in instructional programs that are innovative, rigorous and that cater to the individual student. These programs include instruction that blends cyber and direct instructional techniques. Each student has an individual computer work station for cyber instruction in mathematics, language arts, social studies and science. The cyber-based instruction is supplemented by direct instruction in reading and math. All students participate in literacy circle learning that engages the students in reading novels. The students receive real time math tutoring using Apangea Tutoring, which is a real time cyber based mathematics tutoring service that engages students in differentiated math reinforcement. All students are studying Spanish using PowerGlide. The teaching methodology used by PowerGlide primarily focuses on the use of the diglot weave and engages students in a story while interjecting Spanish words throughout the reading. The stories relate to an online game that students participate in using Spanish. Students also participate in a wilderness program that is intended to build self-esteem, teach citizenship and develop leadership. It is the intent of the charter school staff that each 11th and 12th grade student will take at least one Advanced Placement course and exam during the 2006-2007 school year. All of the programs in the charter school are vastly different than the traditional academic programs that can be found in the Beaver Area School District.

The leadership of the Beaver Area Charter School believes that this charter school can serve as a laboratory for learning by serving as a prototypic model for high expectations, student engagement and differentiated instructional techniques.

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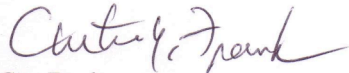
APPENDIX A

July 19, 2006

To whom it may concern,

I have read the chronology of the creation and development of the Beaver Area Academic Charter School written by Brian White. To the best of my knowledge and recollection the chronology accurately reports the events described.

Sincerely,

A handwritten signature in dark ink, appearing to read "Curt Frank", with a stylized, cursive script.

Curt Frank
President
Board of School Directors
Beaver Area School District



BEAVER AREA SCHOOL DISTRICT

855 SECOND STREET • BEAVER, PENNSYLVANIA 15009

Phone: 724-774-4010

Fax: 724-774-8770

July 19, 2006

To Whom It May Concern:

I have read the chronology of the creation and development of the Beaver Area Academic Charter School written by Brian White. To the best of my knowledge and recollection the chronology accurately reports the events described.

Sincerely,

John C. Hansen, Ed.D.
Superintendent

"Where Tradition Dictates a Standard of Excellence"

Charter School Implementation Grant

Applicant Information

In this Section the applicant is to provide information about the Charter School.

Indicate the type of Charter School.	"Brick and Mortar" Charter School
Name of Charter School:	Beaver Area Academic Charter School
Address Line 1:	Gypsy Glen Rd.
Address Line 2:	
City:	Beaver
State:	PA
Zip:	15009
Phone Number:	(724)774-0250
Fax Number:	
Web Site:	

Chief Executive Officer of the Charter School (CEO).

First Name:	Brian
Middle Name:	John
Last Name:	White
Title:	CEO
Phone Number:	(724)774-0250
Email Address:	whiteb@basd.k12.pa.us

Contractor Information (PA Vendor Information)

Contractor's Commonwealth Vendor Number:	
Name of Contractor - Charter School Name:	Beaver Area Academic Charter School

School/Pupil Data

In this section use information from the school districts from which students will be drawn, or from the State, District and School Report Cards at www.pde.state.pa.us. Other county and statewide data may also be used. Use current data that is not more than two years old.

Provide a breakdown of the estimated pupil population that will attend the Charter School:

American Indian or Alaskan Native:	0.00 %
Asian:	0.40 %
Hispanic:	0.60 %
African American:	1.00 %
Caucasian:	98.00 %

Provide an estimated percentage of pupils who will be eligible for:

Free or Reduced Priced Meals:	7.00 %
English Language Learner Services:	0.01 %
Special Education Services:	10.00 %
Migrant Education Services:	0.00 %

The source, or sources, of the above information are: This data was provided by the Beaver Area School District. The percentages are based on school district enrollments grades 9-12.

Delivery of Instruction: School Based

If Other is selected, provide a brief decription of how instruction will be delivered to pupils. -

Indicate major curriculum emphasis of the Charter School:

	Select all that Apply
Textbook Based	Yes
Arts	Yes
Literacy Based	Yes
Technology	Yes
Science/Math	Yes
Vocational	No
Other	No

If Other is selected, describe the other curriculum combinations that will be emphasized in the Charter School: -

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Grade levels to be served (ex. K-4, 9-12, etc.):

9-12

Describe any plans to expand the grade levels to be served and indicate the timeline and expected grade level of the school at the end of the plan.

During the 2005-2006 school year we will study the possibility of an elementary program.

Projected opening date (ex. 09/02/2005):

08/22/2005

Projected population of the charter school:

Suburban

If Other is selected provide an explanation.

-

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Collaborations and Partnerships

In this section provide a description of how the Charter School is building positive relationships with the community.

Describe how the general community, parents and students are involved in preparing for the opening of the charter school.

The founding coalition has enjoyed encouragement and support for the faculty of Beaver Area School District. On December 7, 2004 an open meeting was held for the faculty of Beaver Area. The concept of a charter school was presented. The faculty made a number of suggestions, which are now part of this application.

The founding coalition has also received support from both the Grable and Howard Heinz Foundations. We are currently working with the Beaver Area Community Health Initiative to be an active partner in the charter school.

Describe what the Charter School is doing to build a positive relationship with local school districts.

Our belief is that the majority of enrollment for this charter school will be from the Beaver Area School District and the Midland Borough School District. The founding coalition has met with both superintendents and has received verbal support and encouragement.

Describe any partnerships with community agencies and any plans for future expansion of those relationships.

The charter school is in the process of developing collaborative relationships with community groups such as the Beaver Area Community Health Initiative (B.A.C.H.I.). Partnerships like this will help develop a strong base of support for the charter school. The membership of B.A.C.H.I. is composed of parents and community members.

Briefly describe the expertise of individuals involved in the preparation for opening the Charter School and their continued role in the school.

The initial founding coalition is comprised of three individuals:

Brian White
Dan O'Neil
Dan Taormina

All three founders of the coalition hold principals certification in the state of Pennsylvania. Additionally, Brian White holds his letter of eligibility for superintendent.

Charter School Mission

In this section provide information about the thinking, philosophy, and core beliefs that are the underpinning of the Charter School.

Describe the community and the student population that will be attending the Charter School. Include demographics of the community and the students' academic performance data in the discussion.

The Beaver Area Community is comprised of middle class families whose students are predominantly college-bound. The majority of students consistently score at proficient or advanced on the PSSA exam. Students and families continue to want advanced opportunities for their students.

Articulate a compelling and well-defined mission statement for the Charter School that is innovative, unique and has the capacity to generate research-based concepts and best practices that can be shared throughout the education community.

The mission of the Beaver Area Academic Charter School is to provide students with individualized academic opportunities based on their needs and abilities.

Clearly describe the connection between the mission statement and the measurable goals and objectives of the Charter School.

The vision of the Beaver Area Academic Charter School is a school focused on delivering educational services that are based on the needs of the students.

The mission statement demonstrates the charter school's desire that education be individualized to the learners need. The goals specifically support an individualized approach with high standards and academic rigor.

Describe how the Charter School's educational program will incorporate the best practices and habits of practice within the overall mission of the Charter School.

The Charter School intends to use guided inquiry as the primary teaching methodology. However, when necessary, the teaching style will be differentiated to the needs of the learner. The charter school will engage its professionals as life-long learners striving to utilize the best practices in education. This professional development will be fostered by professional development and advanced coursework.

Describe how the Charter high school will provide a rigorous curriculum that provides for multiple pathways for post high school success.

Measurable Goals and Objectives

In this section provide the academic and non-academic goals and objectives for the Charter School.

Charter School Performance Academic Measurable Goals and Objectives

Clearly articulate the measurable goals and objectives, centering on the academic student performance in the Charter School. Provide the expected time to complete the goal or objective.

Measurable Goal	Objective	Outcomes	Timeline
The Beaver Area Academic Charter School will strive to provide a challenging academic curriculum.	All students will be required pass a minimum of Algebra I, Geometry, and Algebra II	Students who are successful on formal and informal mathematic assessments.	Annually; Grade 11 PSSA's
The Beaver Area Academic Charter School will strive to provide a challenging academic curriculum.	All students will be required to pass 3 credits of Science.	Students will be well-informed in Science as demonstrated by classroom assessments and formal exams.	Annual and ongoing
The Beaver Area Academic Charter School will strive to provide a challenging academic curriculum.	All students will be required to pass 4 credits of Social Studies.	Students will have a strong historical foundation and the skills to analyze current events.	Annual and ongoing
The Beaver Area Academic Charter School will strive to provide a challenging academic curriculum.	All students will be required to pass 4 credits of English.	Students who are successful on formal and informal reading and writing assessments	Annually; Grade 11 PSSA's
The Beaver Area Academic Charter School will engage each student as a citizen, communicator, worker, thinker, learner and individual	All students will participate in a mentoring program.	The students will foster a relationship with a mentor.	Will begin when the school opens.
The Beaver Area Academic Charter School will engage each student as a citizen, communicator, worker, thinker, learner and individual	All students will maintain a portfolio.	Each student will have a portfolio comprised of artifacts and reflections.	Will begin October 2005
The Beaver Area Academic Charter School will engage each student as a citizen, communicator, worker, thinker, learner and individual	All students will have a career plan as part of their portfolio.	The students will have a career plan which will be used to help design individualized instruction.	Will begin October 2005

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The Beaver Area Academic Charter School will engage each student as a citizen, communicator, worker, thinker, learner and individual.	All students will complete the Keys 2 Work assessment.	The student will have career inventory to use as the foundation of their career plan.	January 2006
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Charter School Performance Non-Academic Measurable Goals and Objectives

Clearly articulate the measurable goals and objectives, centering on the non-academic performance of the Charter School. Include the targets that will determine success of the goal or objective. Provide the expected time when the goal or objective will be measured and considered to be successful.

Measurable Goal	Objective	Outcomes	Timeline
The Beaver Area Academic Charter School will build collaborative relationships with students, parents, community, local government, non-for profit organization, educational association and other local education agencies.	The charter will begin a comprehensive marketing plan.	Students and parents making an informed decision about their educational opportunities. Formal memorandum of understanding between organizations.	May 2005
The Beaver Area Academic Charter School will build collaborative relationships with students, parents, community, local government, non-for profit organization, educational association and other local education agencies.	The Charter School will become a member of education associations.	The Charter School will be kept abreast of best practices and will provide additional opportunities for our students.	July 2005
The Beaver Area Academic Charter School will build collaborative relationships with students, parents, community, local government, non-for profit organization, educational association and other local education agencies.	The Charter School will engage other local education agencies.	Collaboration and understanding.	Already beginning and ongoing.
The Beaver Area Academic Charter School will be an operational charter school.	The Charter School will have an operational facility to educate students.	A charter school facility that can deliver educational services.	August 2005

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The Beaver Area Academic Charter School will be an operational charter school.	The Charter School will defend its legal right to exist.	The Charter School will be able to operate.	April and on-going
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Impact, Accountability and Assessment

In this section, provide information about the instruments that will be used to assess the Charter School's academic and non-academic performance.

Describe the plan and the instruments that will be used to measure student progress. Provide details about the plan and how the Charter School's success will be determined.

The overall performance of the charter school will be measured by the academic achievement of the students on standardized exams and by the individual success of students as demonstrated in their portfolio. Annually the CEO of the charter school shall present the state of academic performance by the students to the Board of Trustees.

Describe the plan that will be used to evaluate and measure the Charter School's progress toward achieving the goals. Include in the plan specific benchmarks and timelines.

The goals and objectives will be evaluated by a team of certified educators semi-annually. The CEO shall provide the material requested by the team. The semi-annual evaluations will be part of the report presented annually by the CEO to the Board of Trustees.

Describe how the selected curricula and the school mission will improve student performance.

All curriculum based grades are to be evidence based and linked to a standard(s). Forms of evidence include but are not limited to exams, tests, quizzes, papers, presentations, projects, and daily assessments. Participation/Effort based criteria can only be used as grading evidence if it is listed as a daily assessment and a rubric exists and has been shared with the students. The activity for that day and the daily assessment must be linked to the standard(s) being addressed.

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Educational Capacity

In this section describe the Charter School leadership, how the curriculum is standards-based and is connected to the school's vision and mission, and how the professional staff will be trained to deliver the curriculum.

Provide the Administrative positions and their expected responsibilities at the Charter School.

Administrative Position	Name	Responsibilities	Full time/Part time/Consultant
CEO/CAO	Brian White	Lead, manage and supervise the Beaver Area Academic Charter School	Part time

Describe the process that was used to select the standards-based curricula and how it is connected to the Charter School vision and mission.

With the vision and mission of the Beaver Area Academic Charter School being to meet the individual academic needs of its students, a standards based curriculum was selected to best accomplish that. This selection was also based on the Commonwealth of Pennsylvania's comprehensive plan in meeting federal No Child Left Behind regulations. The curriculum selection process utilized a balance between the academic needs of students and state and federal mandates. It was determined, after careful consideration by a Curriculum Selection Committee, that this particular course of study would be the foundation for a well-rounded education that would engage each student as a citizen, communicator, worker, thinker, and individual. Another decision was made to assure that this curriculum, through review of curriculum maps, was closely associated with the Pennsylvania State Standards. It was also determined by this committee that this curriculum and course of study would assist the charter school in determining additional courses of study to purchase from other Local Education Agencies

Describe plans and resources to involve professional staff in curriculum development and training for delivery of that curriculum.

The professional staff will monitor student progress through the use of local formal and informal assessments as well as the Pennsylvania System of State Assessments. The results of all assessments will be studied and compared to curriculum goals. This data will provide a comprehensive needs assessment to determine staff and curriculum development needs. These services will then be purchased from other Local Education Agencies, Intermediate Units in the Commonwealth of Pennsylvania, and state and national conferences. Self-study will also be utilized for training purposes. Professional development days will also be provided through Act 80 days as purchased and agreed upon through other Local Education Agencies.

Describe the long range plan to introduce new professional staff to the mission and curriculum of the school.

Pennsylvania Department of Education mentoring guidelines and requirements will be utilized to acclimate new professional staff to the mission and vision of the Beaver Area Academic Charter School. Orientation sessions as well as ongoing mentoring by current staff members will help support

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new professional staff. The rigorous hiring process of the Beaver Area Academic Charter School will also help find individuals who are already familiar with the core curriculum and course of study at the school and will meet the criteria for Pennsylvania Charter School professional staff. A three (3) year teacher induction plan will also be implemented which is aligned with other Local Education Agencies.

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Business and Management Plan

In this section provide a description of the Management plan to be utilized at the Charter School.

Provide a list of the members of the Board of Trustees, their position on the Board and their telephone numbers.

(Example: President, Secretary, Treasurer, member)

Name	Position	Telephone Number
Dr. Curt Feldmeier	President	7244953951
Mrs. Pam Kuhns	Secretary	7247285887
Mrs. Michelle O'Farrell	Treasurer	4125314627

Briefly describe how the by-laws for the Charter School were developed.

Our attorney, Robert O'Donnell, developed the by-laws. The by-laws are similar to other charter schools.

Describe how a Board of Trustee position is filled.

The Board of Trustees shall call a special meeting. The Board of Trustees will fill the vacancy by majority vote.

Describe how the Founders' Mission is communicated to new Board of Trustees members.

The Founder's mission will be communicated to the Board of Trustees by meetings and engaging in a joint strategic planning process.

Describe the process that will be used to develop Board of Trustee meeting agendas and the frequency of planned meetings. Include possible components of a typical meeting agenda.

The CEO shall develop the agenda for the board meeting one week prior to the board meeting. The CEO will add any agenda item requested by a member of the Board of Trustees. A majority vote of the Board of Trustees can add an agenda item during the board meeting.

Describe how the community and the general public are involved in the development of policies and procedures that are used at the Charter School.

The community and general public are welcome to attend Board of Trustees meetings. When specific policies, procedures or other matters are being reviewed, the Board of Trustees may direct the CEO to initiate committees, advisory committees, standing committees and ad hoc committees.

Describe the supervisory hierarchy of the Charter School. Indicate who has supervisory responsibility and the positions they will supervise.

The Chief Executive Officer will have the responsibility of the leading, managing, and supervising of all teachers, counselors and other staff.

Describe the methods used to recruit qualified personnel to manage, teach and work as support staff at the Charter School.

Upon the granting of the Charter, the Board of Trustees shall adopt a comprehensive human resource policy which will comply with all state and federal law. Until this comprehensive policy is adopted all individuals in direct contact with students during the recruiting process shall have an official clearance statement regarding child injury or abuse from the Department of Public Welfare as required by 23 Pa. C.S. Chapter 63 subchapter C.2 (relating to background checks for employment in schools) for all individuals who shall have direct contact with students. The only positions to be filled prior to this policy development will be the counselor and the CEO.

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Describe the process used to find a school location and how it was secured. Provide the present location of the school and any plans for change of location in the future.

The charter school worked collaboratively with the Beaver Area School District to identify and secure a space that will provide the necessary facility and independence for the charter school. The charter school will lease modular classroom space on Gypsy Glen Road in Beaver, Pennsylvania. The longevity of this site depends upon enrollment trends.

Briefly describe how the budget will be developed in the first two years of operation based on anticipated revenues and expenditures. Include a brief discussion of anticipated revenues.

The initial budget has been built by estimating projected cost. We have reviewed the budgets of other charter schools to arrive at these figures. The second year budget will be based on actual cost of operations incurred during the first year of operation. Additionally, the budget will reflect the shift from grant revenues to regular revenues to establish the charter school as self-sufficient.

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Budget Detail

Budget Expenditure	Amount	Description of Expenditure	Goal Funded
Personel Salaries	7000.00	Academic Advisor/Counselor	3
Adminstrative Salaries	12000.00	Administrator	1,2,3
Professional Association Dues or Fees	500.00	PIAA	3
Professional Association Dues or Fees	1000.00	PA Charter School Coalition	3
Purchased Equipment (Items valued over \$1500.00)	32000.00	Computers	1,2,4
Supplies (Item valued under \$1500.00.)	3500.00	Passkey Software	1,2
Purchased Professional or Technical Services	25000.00	Legal Fees	3
Travel Reimbursement	7000.00	Charter School Conference	3
Purchased Equipment (Items valued over \$1500.00)	5000.00	Smartboard/Projector	1,2,4
Purchased Equipment (Items valued over \$1500.00)	2500.00	Classroom + System	1,2,4
Purchased Equipment (Items valued over \$1500.00)	2250.00	Classroom Furniture Chairs	4
Purchased Equipment (Items valued over \$1500.00)	3300.00	Classroom Furniture Desks	4
Purchased Equipment (Items valued over \$1500.00)	5000.00	Student Information System	4
Supplies (Item valued under \$1500.00.)	1400.00	Textbooks - Social Studies Grade 9	1
Supplies (Item valued under \$1500.00.)	1450.00	Textbooks - Social Studies Grade 10	1
Supplies (Item valued under \$1500.00.)	1000.00	Textbooks - Social Studies Grade 11	1
Supplies (Item valued under \$1500.00.)	1000.00	Textbooks - Social Studies Grade 12	1
Supplies (Item valued under \$1500.00.)	1450.00	Textbooks - Science Grade 9	1

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Supplies (Item valued under \$1500.00.)	1400.00	Textbooks - Science Grade 10	1
Supplies (Item valued under \$1500.00.)	1400.00	Textbooks - Science Grade 11	1
Purchased Equipment (Items valued over \$1500.00)	1600.00	Textbooks - Math Grade 9	1
Purchased Equipment (Items valued over \$1500.00)	1550.00	Textbooks - Math Grade 10	1
Purchased Equipment (Items valued over \$1500.00)	1550.00	Textbooks - Math Grade 11	1
Supplies (Item valued under \$1500.00.)	1408.00	Textbooks - English Grade 9	1
Supplies (Item valued under \$1500.00.)	1425.00	Textbooks - English Grade 10	1
Supplies (Item valued under \$1500.00.)	1350.00	Textbooks - English Grade 11	1
Supplies (Item valued under \$1500.00.)	1200.00	Textbooks - English Grade 12	1
Supplies (Item valued under \$1500.00.)	1000.00	Textbooks - Career	2
Supplies (Item valued under \$1500.00.)	1250.00	General Books	1,2,
Training Fees or Education Tuition	7500.00	Professional Development	1,2,3
Public Relations, Advertising	10000.00	Marketing	3
Personel Salaries	40000.00	Teachers	1,2,4
Purchased Professional or Technical Services	10000.00	Auditing/Business Operations	4

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SUMMARY BUDGET
FISCAL YEAR 2004 - 2005

ENTITY NAME: Beaver Area Academic Charter School

Original

Refer to fiscal guidelines and grants manual for explanation of budget categories. ALL AMOUNTS MUST BE ROUNDED TO THE NEAREST DOLLAR. AN ACCOMPANYING DETAILED BUDGET MAY BE REQUIRED.

Cost Function	Description Of Functions	100 Salaries	200 Benefits	300 Purchased Professional & Technical Services	400 Purchased Property Services	500 Other Purchased Services	600 Supplies 800 Dues Fees	700 Property	Total
1000	Instruction	59,000.00	0.00	0.00	0.00	0.00	0.00	0.00	59,000.00
1692	Tutor Training	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2100	Pupil Personnel Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2200	Staff Support Services	0.00	0.00	0.00	0.00	14,500.00	0.00	0.00	14,500.00
2300	Administrative Support/Services	0.00	0.00	35,000.00	0.00	0.00	0.00	0.00	35,000.00
2400	Health Support Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2500	Business Support Services	0.00	0.00	0.00	0.00	0.00	21,733.00	0.00	21,733.00
2600	Operation Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	54,750.00	54,750.00
2700	Student Transportation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2800	Central Support Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2900	Other Support Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3100	Food Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3300	Community Services	0.00	0.00	10,000.00	0.00	0.00	0.00	0.00	10,000.00
Column Totals		\$59,000.00	\$0.00	\$45,000.00	\$0.00	\$14,500.00	\$21,733.00	\$54,750.00	Sub Total \$194,983.00
						Approved Indirect Cost/Operational Rate: (CF 5000: OBJ 900)			0.00
						Pass Through Funds (If Applicable) (CF 2990: OBJ 899)			0.00
									\$194,983.00

Local Matching Funds - (Not applicable to Special Education programs.)

Object Code	100	200	300	400	500	600	700	800	Total
LOCAL MATCH	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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APPENDIX C

BY LAWS

BEAVER AREA ACADEMIC CHARTER SCHOOL

ARTICLE I

NAME

1.1. **Name**. This Pennsylvania non-profit corporation shall be known as the BEAVER AREA ACADEMIC CHARTER SCHOOL.

1.2. **Purpose**. The purpose of the BEAVER AREA ACADEMIC CHARTER SCHOOL is to provide a high quality public education in grades 9-12 to students from Beaver County, PA and surrounding communities.

ARTICLE II OFFICES

2.1. **Registered Office**. The registered office of the corporation shall be located at 127 Crimson Drive, Pittsburgh, PA 15237

2.2. **Principal Office**. The Principal office of the corporation shall be located in Beaver County, Pennsylvania. The corporation may have such other offices within Pennsylvania as the Board may designate or as the business of the corporation may require from time to time.

ARTICLE III BOARD OF TRUSTEES

3.1. **Powers**. The Board of Trustees shall be the Board of Trustees as contemplated by the Charter School Law and the Board of Directors under the Pennsylvania Non Profit

Corporation Act. The Board shall have the authority to decide all matters regarding the operation and functioning of the corporation, including but not limited to the authority to:

a. Sign a written charter with the Board of Education of the Beaver Area School District;

b. Establish and maintain policies governing the operation of the School;

c. Approve the appointment of a chief executive officer;

d. Adopt the School calendar;

e. Adopt textbooks;

f. Adopt courses of study;

g. Appoint or dismiss school administrators or staff members;

h. Adopt the annual budget and conduct an annual independent audit of the School's finances;

i. Buy or sell land;

j. Locate new buildings or change the location;

k. Create or increase indebtedness;

l. Designate depositories for school funds;

m. Enter into contracts of any kind where the amount of the contract exceeds one thousand dollars (\$1,000.00);

n. Enter into contracts with and making appropriations to an intermediate unit, school district or Area Vocational/Technical School for the charter's proportionate share of the cost of services provided or to be provided by the foregoing entities;

o. Determine compensation and terms and conditions or employment of administrators, teachers and other employees of the School.

3.2. **Composition.** The Board of Trustees shall consist of a minimum of (3) three members and a maximum of (9) nine members.

3.3. **Term.** The Board of Trustees will elect officers from within its membership.

3.4. **Vacancies.** Any Trustee may resign at any time by giving written notice to the Chairperson or to the Secretary of the corporation. Such resignation shall take effect at the time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Any vacancy occurring in the Board shall be filled at the special meeting called for such purpose.

3.5. **Regular Meetings.** A regular meeting of the Board shall be held at least once per year and shall constitute its annual meeting. An annual schedule of regular meetings for the year will be established at the Annual Meeting in May. The Board may provide by resolution the time and place, for the holding of additional regular meetings, and such meetings shall comply with the Sunshine Act.

3.6. **Special Meetings.** Special meetings of the Board may be called by or at the request of the Chairperson or a majority of the Trustees. The person or persons authorized to call special meeting of the Board may fix the time and place for holding any special meeting of the Board called by them.

3.7. **Notice.** Notice of any special meeting shall be given at least five (5) days prior to the meeting by written notice delivered personally or mailed to each Trustee, or by notice given at least two (2) days prior to the meeting by email, telephone or facsimile or other similar device. If mailed, such notice shall be deemed to be delivered six (6) days after such notice deposited in the U.S. mail so addressed, with postage thereon prepaid. A Trustee waives notice of a regular or special meeting by attending or participating in the meeting

unless, at the beginning of the meeting, he objects to the holding of the meeting or transaction of business at the meeting. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board needs to be specified in the notice or waiver of notice of such meeting. Whenever notice is required by law, by the articles of incorporation or these by-laws, a waiver thereof in writing signed by the Trustee or other person entitled to said notice, whether before, at or after the time stated therein, shall be equivalent to such notice.

3.8. **Quorum**. A majority of the Trustees shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than such majority is present at a meeting, a majority of the Trustees present may adjourn the meeting from time to time without further notice. One or more members of the Board or any committee designated by the Board may participate in a meeting by means of a telephone.

3.9. **Manner of Acting**. The act of the majority of the Board present at a meeting at which a quorum is present shall be the act of the Board.

3.10. **Committees**. The Board, by resolution adopted by a majority vote of the full Board, may designate from among its members an executive committee and one or more other committees, each of which, to the extent provided in the resolution, shall have the authority of the Board; except that no such committee shall have the authority to: (i) fill vacancies on the Board or any committee thereof; (ii) amend the by-laws; (iii) approve a plan of merger; or (iv) dismiss members of the Board.

3.11. **Advisory Committees**. The Board, by resolution adopted by a majority vote, may appoint advisory committees to the Board who, by such appointment, shall not be deemed to be Trustees, officers or employees of the corporation and whose functions shall

not include participation in the operating management of the corporation. The advisory committees shall meet at such times as the Board shall determine. The advisory committees shall consider, advise upon and make recommendations to the Board and to the Chairperson with respect to matters of policy relating to the general conduct of the business of the corporation and with respect to such questions relating to the conduct of the business of the corporation as may be submitted to it by the Board or the executive committee. By way of example and not of limitation, the Board may appoint a policy and planning committee to advise on fundraising and an investment management committee to advise the corporation on its investment portfolio. The members of the advisory committee shall hold office at the pleasure of the Board. Additional members or members to fill vacancies may be appointed at any regular or special meeting of the Board.

3.12. **Standing Committees.**

A. The Executive Committee of the board shall consist of no more than five (5) members: The Chairperson, who shall sit as chair of the committee, and shall include the officers of the corporation. The Chief Academic Officer shall sit on this committee as a non-voting member. The executive committee may act on matters not expressly reserved for the board as a whole or a standing committee. The executive committee shall be the direct supervisor of the Chief Academic Officer. The Chairperson or his/her designee may call meetings with 24 hours notice.

3.13. **Ad Hoc Committees.** The Chairperson, from time to time, may establish ad hoc committees to address specific short-term needs. Such committees may be, but are not limited to, committees for executive search, construction, competitive bidding, expansion,

new programs, etc. The size and mandate of the committees shall be determined by the Board.

3.14. **Standard of Care**. A Trustee of the corporation shall stand in a fiduciary relation to the corporation and shall perform his duties as a Trustee, including his duties as a member of any committee of the Board upon which he may serve, in good faith, in a manner he reasonably believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, skill and diligence, as a person of ordinary prudence would use under similar circumstances. In performing his duties, a Trustee shall be entitled to rely in good faith on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared by any of the following:

A. One or more officers or employees of the corporation whom the Trustee reasonably believes to be reliable and competent in the matters presented.

B. Counsel, public accountants or other persons as to matters which the Trustee reasonably believes to be within the professional or expert competence of such person.

C. A committee of the Board upon which he does not serve, duly designated in accordance with law, as to matters within its designated authority, which the Trustee reasonably believes to merit confidence.

A Trustee shall not be considered to be acting in good faith if he has knowledge concerning the matter in question that would cause his reliance to be unwarranted.

In discharging the duties of their respective positions, the Board, committees of the Board and individual Trustees may, in considering the best interests of the corporation, consider the effects of any action upon employees, upon suppliers and customers of the corporation and upon communities in which offices or other establishments of the

corporation are located, and all other pertinent factors. The consideration of those factors shall not constitute a violation of this section.

Absent breach of fiduciary duty, lack of good faith or self-dealing, actions taken as a Trustee or any failure to take any action shall be presumed to be in the best interests of the corporation.

A Trustee of the corporation shall not be personally liable for monetary damages as such for any action taken, or any failure to take any action, unless:

A. The Trustee has breached or failed to perform the duties of his office under this section and;

B. The breach of failure to perform constitutes self-dealing, willful misconduct or recklessness.

The provisions of this section shall not apply to:

A. The responsibility or liability of a Trustee pursuant to any criminal statute; or

B. The liability of a Trustee for the payment of taxes pursuant to local, State or Federal law.

No member of the Board shall permit his position on the Board to create a conflict between his personal business activities and the actions of the corporation.

No member of the Board shall, as a private person, engage in any business transaction with the charter school of which he is a trustee, be employed in any capacity by the charter school of which he is a trustee, or receive from such charter school any pay for services rendered to the charter school.

ARTICLE IV OFFICERS AND AGENTS

4.1. **General.** The officers of the corporation shall be a Chairperson, Vice Chairperson, Secretary and Treasurer. The Board may appoint such other officers, assistant officers, committees and agents, including assistant secretaries and assistant Treasurers, as they may consider necessary, who shall be chosen in such manner and hold their offices for such terms and have such authority and duties as from time to time may be determined by the Board. In all cases where the duties of any officer, agent or employee are not prescribed by the bylaws or by the Board, such officer, agent or employee shall follow the orders and instructions of the Chairperson.

4.2. **Election and Term of Office.** The officers of the corporation shall be elected by the Board at the Annual Meeting in May. The term of such officers shall be for a period of one (1) year or until such time as their respective successors are duly elected and qualified. Officers may be re-elected without limitation.

4.3. **Removal.** A Board member may be removed by an affirmative vote of two-thirds (2/3) of all members of the Board for any of the following reasons:

Failure to perform his duties as a Board member;
Failure to organize or neglect of duty;
Missing more than three meetings in one fiscal year without reasonable justification;
Violating any of the obligations set forth in the Pennsylvania Charter School Law and other laws applicable to the governing of charter schools;
Any officer or agent may be removed by the Board when in its best judgment the best interest of the corporation will be served.

4.4. **Vacancies.** A vacancy in an office, however occurring, may be filled by the Board for the unexpired portion of the term.

4.5. **Chairperson.** Subject to the direction and supervision of the Board, the Chairperson shall have general supervision of the affairs of the Corporation. The Chairperson or his designee may call meetings, preside at meetings, sign contracts, appoint

members of the committees (with the advice and consent of the Board whenever possible), and make temporary appointments upon the resignation or dismissal of any officer.

4.6. **Vice-Chairperson (s)**. The Vice-Chairperson shall assist the Chairperson and shall perform such duties as may be assigned to them by the Chairperson, or by the Board. In the absence of the Chairperson, shall have the power and perform the duties of the Chairperson.

4.7. **Secretary**. The Secretary shall (i) keep the minutes of the proceedings of the committees, and the Board; (ii) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (iii) be custodian of the corporate record; (iv) keep at the corporation's registered office or principal place of business a record containing the names and addresses of all Trustees; and (v) in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the Chairperson or by the Board. Assistant secretaries, if any, shall have the same duties and powers, subject to supervision by the Secretary. The Trustees may, however, respectively, designate a person other than the Secretary or assistant Secretary to keep the minutes of their respective meetings. He shall, if required by the Board, give the corporation a bond in such sums and with such sureties as shall be satisfactory to the Board, conditioned upon the faithful performance of his duties and for the restoration to the corporation of all books, papers, vouchers, money and other property of whatever kind in his possession or under his control belonging to the corporation.

Any books, records, or minutes of the corporation may be in written form or in any form capable of being converted into written form within a reasonable time.

4.8. **Treasurer**. The Treasurer shall receive all funds including local, state and federal funds and privately donated funds. The Treasurer shall also make payments out of these funds on proper orders approved by the Board and signed by the Chairperson or Vice-Chairperson of the Board. The Treasurer may pay out such funds on orders which have been properly signed without the approval of the Board first having been secured for the payment of amounts owing under any contracts which shall previously have been approved by the Board and by which prompt payment the Charter will receive a discount or other advantage.

The Treasurer shall deposit the funds belonging to the corporation in a depository approved by the Board and shall at each regular meeting of the Board provide oral and written reports to the Board of the amount of funds received and disbursed by him since the last meeting. All deposits of the corporation's funds by the Treasurer shall be made in the name of the BEAVER AREA ACADEMIC CHARTER SCHOOL. The Board shall invest funds consistent with sound business practice.

4.9. **Employee Dismissal**. Employee discipline, including suspension or dismissal, shall be governed by policies adopted by the Board. The Chief Academic Officer shall be suspended or dismissed only by approval of the Board of Trustees.

ARTICLE V

INDEMNIFICATION OF CERTAIN PERSONS

5.1. **Authority for Indemnification**. Any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or

proceeding, whether civil, criminal, administrative, or investigative, and whether formal or informal, by reason of the fact that he is or was a Trustee, officer, employee, fiduciary or agent of the corporation or is or was serving at the request of the Board as a Trustee, officer, partner, trustee, employee, or agent of any foreign or domestic corporation or of any partnership, joint venture, trust, other enterprise or employee benefit plan ("Any Proper Person" or "Proper Person"), shall be indemnified by the corporation against expenses (including attorneys' fees), judgments, penalties, fines, (including any excise tax assessed with respect to an employee benefit plan) and amounts paid in settlement reasonably incurred by him in connection with such action, suit or proceeding if it is determined by the groups set forth in Section 5.4 of these bylaws that he conducted himself in good faith and that he (i) reasonably believed, in the case of conduct in his official capacity with the corporation, that his conduct was in the corporation's best interest, or (ii) in all other cases (except criminal cases) believed that his conduct was at least not opposed to the corporation's best interests, or (iii) with respect to criminal proceedings had no reasonable cause to believe his conduct was unlawful. A person will be deemed to be acting in his official capacity, and for some other entity, while acting as a Trustee, officer, employee or agent of this corporation. No indemnification shall be made under this Section 5.1 to a Trustee with respect to any claim, issue or matter in connection with a proceeding by or in the right of a corporation in which the Trustee was adjudged liable to the corporation or in connection with any proceeding charging improper personal benefit to the Trustee, whether or not involving action in his official capacity, in which he was judged liable on the basis that personal benefit was improperly received by him. Further, indemnification under this Section 5.1 in connection with a proceeding brought by or in the

right of the corporation shall be limited to reasonable expenses, including attorneys' fees, incurred in connection with the proceeding. These limitations shall apply to Trustees only and not to officers, employees, fiduciaries or agents of the corporation.

5.2. **Right to Indemnification.** The corporation shall indemnify Any Proper Person who has been wholly successful on the merits or otherwise, in defense of any action, suit, or proceeding referred to in Section 5.1 of these bylaws, against expenses (including attorneys' fees) reasonably incurred by him in connection with the proceeding without the necessity of any action by the corporation other than the determination in good faith that the defense has been wholly successful.

5.3. **Effect of Termination of Action.** The termination of any action, suit or proceeding by judgment, order, settlement or conviction, or upon a plea of *nolo contendere* or its equivalent shall not of itself create a presumption that the person seeking indemnification did not meet the standards of conduct described in Section 5.1 of the bylaws. Entry of a judgment by consent as part of a settlement shall not be deemed an adjudication of liability.

5.4. **Groups Authorized to Make Indemnification Determination.** In all cases, except where there is a right to indemnification as set forth in Section 5.2 of these bylaws or where indemnification is ordered by a court, any indemnification shall be made by the corporation only as authorized in the specific case upon a determination by a proper group that indemnification of the Proper Person is permissible under the circumstances because he has met the applicable standards of conduct set forth in Section 5.1 of these bylaws. This determination shall be made by the Board by a majority vote of a quorum, which quorum shall consist of Trustees not parties to the proceeding ("Quorum"). If a Quorum cannot be

obtained, the determination shall be made by a majority vote of a committee of the Board designated by the Board, which committee shall consist of two or more Trustees not parties to the proceeding, except that Trustees who are parties to the proceeding may participate in the designation of Trustees for the committee. If a Quorum of the Board cannot be obtained or the committee cannot be established, or even if a Quorum can be obtained or the committee can be established but such Quorum or committee so directs, the determination shall be made by independent legal counsel selected by a vote of a Quorum of the Board or a committee in the manner specified in this Section 5.4 or, if a Quorum of the full Board cannot be obtained and a committee cannot be established, by independent legal counsel selected by a majority vote of the full Board (including Trustees who are parties to the action).

5.5. **Court Ordered Indemnification**. Any proper person may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction for mandatory indemnification under Section 5.2 of those bylaws, including indemnification for reasonable expenses incurred to obtain court-ordered indemnification.

If the court determines that the Trustee is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he met the standards of conduct set forth in Section 5.1 of those bylaws or was adjudged liable in the proceeding, the court may order such indemnification as the court deems proper, except that if the individual has been adjudged liable, indemnification shall be limited to reasonable expenses incurred.

5.6. **Advance of Expenses**. Expenses (including attorneys' fees) incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation to

Any Proper Person in advance of the final disposition of such action, suit or proceeding upon receipt of (i) a written affirmation of such Proper Person's good faith belief that he has met the standards of conduct prescribed in Section 5.1 of these bylaws; (ii) a written undertaking, executed personally or on his behalf, to repay such advances if it is ultimately determined that he did not meet the prescribed standards of conduct (the undertaking shall be an unlimited general obligation of the Proper Person but need not be secured and may be accepted without reference to financial ability to make repayment); and (iii) a determination is made by the proper group (as described in Section 5.4 of these bylaws), that the facts as then known to the group would not preclude indemnification.

ARTICLE VI
PROVISION OF INSURANCE

6.1. **Insurance.** By action of the Board, notwithstanding any interest of the Trustees in the action, the corporation may purchase and maintain insurance, in such scope and accounts as the Board deems appropriate, on behalf of any person, who is or was a Trustee, officer, employee, fiduciary, or agent of the corporation, or who, while a Trustee, officer, employee, fiduciary or agent of the corporation, is or was serving at the request of the corporation as a Trustee, officer, partner, trustee, employee, fiduciary or agent of any other foreign or domestic corporation or of any partnership, joint venture, trust, other enterprise, or employee benefit plan, against any liability asserted against, or incurred by, him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of Article V of these bylaws or applicable law.

ARTICLE VII MISCELLANEOUS

7.1. **Fiscal Year.** The fiscal year of the corporation shall run from July 1 until June 30.

7.2. **Amendments.** The Board shall have power to make, amend and repeal the bylaws of the corporation at any regular or special meeting. Written notice shall be given to each member entitled to vote that the purpose, or one of the purposes, of a meeting is to consider the adoption, amendment or repeal of the bylaws. There shall be included in or enclosed with the notice a copy of the proposed amendment or a summary of the changes to be effected thereby. Any change in the bylaws shall take effect when adopted unless

otherwise provided in the resolution effecting the change. A vote of no less than two-thirds (2/3) of the members is required to amend these by-laws.

7.3. **Gender.** The masculine gender is used in these by-laws as a matter of convenience only and shall be interpreted to include the female and neuter genders as the circumstances indicate.

7.4. **Definitions.** Except as otherwise specifically provided in these by-laws, all terms used in these by-laws shall have the same definitions as in the Pennsylvania Nonprofit Corporation Act and 24 P.S. §§1701-A, *et seq.*, the Pennsylvania Charter School law.

APPENDIX D

COMMONWEALTH OF PENNSYLVANIA

CHARTER

To operate a public school known as Beaver Area Academic Charter School

Pursuant to the authority vested in the Board of School Directors of the Beaver Area School District under the Public School Code of 1949, as amended, and Act 22 of 1999, the Board of Trustees of the Beaver Area Academic Charter School is hereby granted a Charter to operate a public charter school located at gypsy Glenn Road for the period commencing on July 1, 2005 and ending on June 30, 2008. The grant of this charter was approved by vote of the Board of School Directors at a public meeting held on April 25, 2005.

It is specifically understood and agreed between the signatories hereto that:

1. The Board of Trustees shall operate the charter school in accordance with the provisions of any amendments thereto enacted during the term of this charter and any regulations or standards applicable to charter schools;
2. The granting of this charter is specifically contingent upon operation of the charter school in strict adherence to the terms of the Application submitted by the Board of Trustees and approved by the Board of School Directors or the State Charter School Appeal Board. Said Application is attached hereto as Appendix A and is incorporated herein by reference as if fully set forth;
3. This Charter and the Appendix hereto constitute a legally binding agreement for the term set forth above and the terms of said agreement cannot be changed absent a written amendment to this charter.
4. This charter may be renewed for additional periods of five (5) years duration and upon any such renewal, a new charter shall be executed by the parties; and
5. This charter can only be terminated in accordance with the provisions of applicable law.

WHEREFORE, the undersigned, intending to be legally bound hereby set their hands this April 27, 2005.

For the Board of School Directors of: Beaver Area Academic Charter School

Curtis J. Delmonico
Board President/Vice President

Paula Leach
Board Secretary

For the Board of School Directors of: the Beaver Area School District

Curtis Y. Frank
Board President/Vice President

Deborah A. Hogue
Board Secretary

APPENDIX E

This Instructional Services Agreement, made and entered into this 26th day of July 2005, by and between Beaver Area Academic Charter School, and the Beaver Area School District, Pennsylvania, is as follows:

- 1. TERM.** The term of this agreement shall be from August 1, 2005 through June 30, 2006.
- 2. PAYMENT** For consideration for entering into this Agreement, the Beaver Area Academic Charter School agrees to pay \$635.71 for each instructional period per year, as needed with a maximum payment of \$150,000 for a maximum of 280 instructional periods. This is payable for the 2005-2006 school year in quarterly payments upon execution of this agreement.
- 3. SERVICES** The Beaver Area School District shall provide instruction that is aligned with the Pennsylvania State Academic Standards and delivered by highly qualified teachers as defined by the *No Child Left Behind ACT*. This agreement shall include the provision of all instructional materials that would usually be provided to a student.
- 4. EXCLUSIVITY** This agreement **is not** exclusive both parties retain the right to engage in instructional service agreements, contracts, partnerships, and consortiums with other local education agencies.
- 5. HOLD HARMLESS.** Beaver Area Academic Charter School shall hold harmless, defend and indemnify Beaver Area School District, its officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys' fees, for injury, including death, to any person or damage to any property arising out of Beaver Area Academic Charter School student's activities under this Agreement, but excluding liability due to the sole negligence or willful misconduct of Beaver Area School District. This obligation shall continue beyond the term of this Agreement as to any act or omission, which occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Beaver Area Academic Charter School or its employees or agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.
- 6. SEVERABILITY** This agreement may be terminated by the Chief Academic Officer of the Beaver Area Academic Charter School, A majority vote of the Beaver Area Academic Charter School board of trustees, the superintendent of the Beaver Area School District or majority vote of the Beaver Area School District school board. If this agreement is terminated any student in good standing shall be permitted to complete his/her course of study.
- 7. NOTICE.** As used in this Agreement, notice includes but is not limited to the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver and appointment. All notices must be in writing. Notice is considered given either (a) when delivered in person to the recipient named as below, or (b) when deposited in the United States mail in a sealed

envelope or container, postage and postal charges prepaid, addressed by
name and address to the party or person intended as follows:

Notice to Beaver Area Academic Charter School

Gypsy Glenn Road

Beaver, PA 15009

Notice to Superintendent

Beaver Area School District

855 Second Street

Beaver, PA 15009

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be
executed the day and year first above written.

BEAVER AREA SCHOOL DISTRICT

By: _____

BEAVER AREA ACADEMIC CHARTER SCHOOL

By: _____